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SUPPLEMENT

CSHB 150 - DEBATE

REPRESENTATIVE D. JONES: Mr. Speaker, I'll make an observation that most of the house members can certainly appreciate—I finally got one bill out of the calendar this session. We have before us committee substitute for House Bill 150 (**CSHB 150**) and, of course, I would mention to you that this document will become an important part of history. It may be altered by legislative action or executive action, Legislative Redistricting Board action or court action from this point forward, but it shall always be the beginning basis for 150 house districts for the next 10 years—districts that will allow all Texans the opportunity to choose their representatives who will sit in the seats in this chamber and cast the votes that make the laws that will govern this great state.

This committee substitute is the result of many, many hours and many days of work by members of this house of representatives and this committee. You, Mr. Speaker, asked me to serve as chairman of the redistricting committee. I asked you if you had any specific directions for me as I accepted the assignment. I do not remember your exact words, but I do remember the intent of your words—you told me to develop a plan that would be legal in the terms of our law, respectful to all the citizens of our state, and fair to all members of this house of representatives. I believe our committee has fulfilled your directions.

I asked all members, early on, to submit a plan that they felt would best represent the people of their districts. The plans submitted became the basis for developing the document before us today. The plans submitted did not fit together perfectly, as all of us can well imagine. We had the county line rule of our own Texas Constitution to follow; it says that we can't cut county lines in creating districts. We had U.S. Supreme Court rulings to follow, one of them said that we would cut county lines a minimum number in abiding by the federal law of equal population in the districts, "one person, one vote."

We adhered to the Voting Rights Act in this plan. We respected and preserved the respective strength of all minorities in this plan. We avoided retrogression in this plan. We respected the communities of interest in this plan. We developed compact districts in this plan within the confines of the restrictions that we had to follow. The end result is this:

There are nine pairings in this plan: five are Democrat versus Republican; two are Democrat versus Democrat; and two are Republican versus Republican. There are nine open seats in this plan: one in the Valley; three in Central Texas; three in Southeast Texas; and two in North Texas. Had this plan been in effect this last year, Governor Bush would have carried 98 of these districts very comfortably. Using the Republican and Democratic Index (which is the average of all statewide contests in the 2000 election), 97 of the districts in this plan have a Republican Index above 50 percent. I assure you, Mr. Speaker and all members of the house, that every district in this plan was carefully drawn to be legal, to be fair, to be respectful of all the people of Texas. Having said all of this, let me move forward into the work process.

Members, each of you should have on your desk a list of all amendments filed by you as proposed amendments for **CSHB 150**. There are 39 amendments to be considered, and each author will be allowed to explain his or her amendment as they are brought up for consideration. We have organized the amendments in a sequence that assures an orderly consideration of them. The incomplete, or less than statewide, amendments are laid out to be considered first, and then the complete statewide substitutes will be the action taken after all individual amendments are considered. One reason for this specific organization is to be assured that if some amendment affecting another amendment were adopted prior to the other amendment, it might prevent that member from having an opportunity to discuss their proposed amendment. We have tried to lay them out so that every person who offered an amendment has adequate time to discuss their amendment and present it to this body. In order to further assist all of us, and me in particular, we organized these amendments in a somewhat geographic regions basis. In other words, the amendment is in that region that they affect, and if you look at that organization, you'll see the method that we developed. Hopefully, this document will allow you and allow me to keep this process in an orderly manner today. With that, Mr. Speaker, I complete my remarks and I'm prepared to move forward.

REPRESENTATIVE GARCIA: Mr. Speaker, will the gentleman yield?

CHAIR (Representative Chisum in the chair): Mr. Jones, do you yield to Mr. Garcia?

D. JONES: I yield.

CHAIR: Gentleman yields, Mr. Garcia.

GARCIA: Mr. Jones, you saw the latest census figures that came out regarding the growth in, Texas's population growth, is that correct?

D. JONES: I have seen them numerous times.

GARCIA: And hasn't most of that growth been due to the Hispanic population increasing throughout the State of Texas?

D. JONES: I recognize that, yes, sir.

GARCIA: As a matter of fact, that was the fastest-growing ethnic group in the entire state, is that correct?

D. JONES: I believe that that's a correct statement.

GARCIA: And can you explain why, under your plan that you've laid out today of the new districts, only one district is a majority Hispanic opportunity district?

D. JONES: The process of doing a statewide plan is not real simple, and the resulting organization of the 150 districts throughout the state, and making each of them meet the criteria that I outlined initially, developed this plan that we have and it did create an open district in the Valley, which will be an additional Hispanic district. And that would be my answer to your question.

GARCIA: But you created, was it, nine new districts?

D. JONES: I beg your pardon?

GARCIA: How many new districts did you create under your plan?

D. JONES: We ended up with nine open seats that were created as a result of following the guidelines that I have outlined.

GARCIA: Well let me ask you, in Dallas County, I saw the map, and do you under..., of the 150 districts, do you understand that District 104, the district that I represent, is going to have the largest population of any state house district in the State of Texas?

D. JONES: I haven't looked at that number specifically, but I'll accept your statement that it's correct.

GARCIA: Let's assume that's the statement and I'm the only Mexican-American representative from Dallas County. And are you familiar with the term "packing?"

D. JONES: Am I familiar with "packing?"

GARCIA: Yes, sir.

D. JONES: I'm familiar with it, yes, sir.

GARCIA: Okay, do you know that in Dallas County, Hispanics are the largest ethnic group in the city of Dallas?

D. JONES: I will accept your statement to that effect.

GARCIA: And African-Americans are the smallest ethnic group, and yet they have four African-American districts that represent Dallas County. Can you tell me why your plan only has one majority Hispanic district, which is mine? And that plan has me as the largest-populated district in the entire State of Texas. Can you explain how you arrived at that?

D. JONES: It was arrived, Dallas County was developed under the same guideline procedures as the entire state. One of the precedents recognized by the court is that you recognize the prior political lines, I believe I am correct in that statement, and in the process of recognizing those prior lines and recognizing the other guidelines, then your district ended up being the one with the large Hispanic population.

GARCIA: In the deliberations by the committee in developing this plan, what had precedence, that the ethnic background and communities of interest have precedence? Because I noticed in Dallas County that language, communities of interest, people who went to church together, people who, neighborhoods, all those districts were divided and...

D. JONES: Let me pause...

GARCIA: ...it appears to protect incumbents as opposed to protecting communities.

D. JONES: Let me pause and ask for order because I'm having difficulty hearing your questions with the roar that's about. Mr. Speaker, could you call order?

CHAIR: Members, if you'll take your seats on the floor and in the gallery and, so Mr. Jones doesn't have to keep adjusting his hearing aids.

GARCIA: Mr. Chairman, again, I'm going to talk about Dallas County. It appears that the way the lines were drawn that communities of interest were divided. People who go to church together, go to the schools, go, have language and cultural things in common, specifically the Hispanic community, that those districts were split. And I'm trying to find out why those districts were split.

D. JONES: And my answer to that is that they are the unintended results, but the results, of following other guidelines that we have to follow for the entire state plan.

GARCIA: And is it fair to say that, in those other guidelines, that you were trying to protect incumbents over communities of interest?

D. JONES: State that again, please.

GARCIA: You mentioned "other guidelines." Are those "other guidelines" that you were trying to protect the incumbents as opposed to protecting the communities of interest?

D. JONES: I can respond to the question of incumbency in the manner that I have responded throughout this process. I think that our responsibility is to respect the people of this state. And each of us, including yourself, was sent here by a group of people who chose us to be their representatives. Have we ever, deliberately or intentionally, drawn a plan that would have disenfranchised any member of this house, intentionally? I think that we would have been violating our responsibility to those people, and in respecting the people and their wishes, the indirect result is that it takes incumbents. And those people will have an opportunity to replace the membership of this house, and it should not be a choice that we do by map-drawing.

GARCIA: But Mr. Chairman, who's going to protect the interest of the community? Who's going to protect those people who are now going to be denied the opportunity to have their son or daughter, a Jose or a Maria, have the opportunity to sit in this chamber from Dallas County for the next 10 years?

D. JONES: I'm confident that those people in Dallas County will represent all of the people of Dallas County and they will not single out a group to neglect. They will be supportive of the entire county.

GARCIA: Thank you.

D. JONES: Thank you.

REPRESENTATIVE BOSSE: Mr. Speaker?

CHAIR: Mr. Bosse?

BOSSE: Will the gentleman yield?

CHAIR: Gentleman yields.

D. JONES: I yield.

BOSSE: With regard to the Hispanic-majority districts, subsequent to the time that **CSHB 150** was voted out of committee, are you aware of any negotiations that have gone on between yourself, myself, and the Mexican-American Legal Defense Fund?

D. JONES: We have covered and made available ourselves and our committee work to all groups that came, and I have imposed on various members of the committee and, yourself being one of them, to meet with various groups and relay information to me. I have not personally met with all of them, but indirectly I have gotten through the committee process that information, yes.

BOSSE: And, in fact, are there not amendments on the table right now that will create a new Hispanic-majority district in Harris County, a new Hispanic-majority district in Travis County, a new Hispanic-majority district in Dallas County, I mean a second district in Dallas County, substantially increasing the Hispanic numbers?

D. JONES: I believe you are correct.

BOSSE: Thank you, Mr. Speaker.

D. JONES: Thank you.

REPRESENTATIVE HUPP: Mr. Speaker, will the gentleman yield?

D. JONES: Mr. Speaker, I yield.

CHAIR: Gentleman yields, Ms. Hupp.

HUPP: Thank you, Mr. Speaker. Mr. Jones, do you realize that my district under the committee plan does not preserve communities of interest within the Hill Country?

D. JONES: It preserves some communities of interest, but I am not aware of every community of interest within the district.

HUPP: Well, since the committee map redraws my Hill Country district to run approximately 300 miles from Lampasas all the way to the Texas/Mexico border, it takes in not only the Hill Country communities, but Valley communities as well. Dilute the Valley's interests, it ignores communities, (and communities of interests, in my opinion), but would you say that my new district under the committee plan, taking that into consideration, would pass the court's review?

D. JONES: Throughout your district I believe you have a common interest of agricultural rural Texas, and that does preserve a community of interest.

HUPP: From what I understand and, of course, you know I am not an attorney, Mr. Jones, but from what I understand, the bizarre shape that my new district would take—to where it's almost as far to drive from the northern most point to the eastern most point, (about 250 miles), as it is to drive from the north to the south, (which is almost 300 miles)—that my understanding is that wouldn't pass the court's muster. Do you have any idea, and I realize you have 150 districts to deal with, but do you have any idea how many TXDOT districts this new legislative district would share?

D. JONES: Would you state that question again, please?

HUPP: Do you have any idea how many TXDOT districts my new district would share?

D. JONES: I did not look at it, but I'll accept your, if you have that number, I will accept it.

HUPP: Well, we all know how, especially this time around, transportation is such a critical issue, and my understanding is that this new district would share about three TXDOT districts. And I'm concerned, or wouldn't you agree, that diluting these interests, in particular transportation interests, would be, you understand, that they would be a concern to me?

D. JONES: I think that with the strength of your representation, all three of those districts will have a strengthened position.

HUPP: Thank you, Mr. Speaker.

REPRESENTATIVE SEAMAN: Mr. Speaker, will Mr. Jones yield?

CHAIR: Gentleman yields, Mr. Seaman.

SEAMAN: Mr. Jones, I'd like to discuss with you our discussion about my bizarre district also. We talked about, uh, did we talk about communities of interest—that is, in the Coastal Bend where I represent Nueces County, Aransas County, Calhoun County, at this time, and Jackson County? Where the community of interest is along the coast, the intercoastal canal, the ship channels in Corpus Christi and Port Lavaca, the industries in Corpus Christi, port industries, the port of Port Lavaca, the barge canal, the intercoastal canal, all of these coastal interests in this community of interest, and the, including the plant there of such issues as coastal environment, and coastal erosion, all of the issues that we on the coast, with our water districts, are very interested in, did we discuss that?

D. JONES: Your question was...?

SEAMAN: Did we discuss all of those issues, sir? And in front of your committee?

D. JONES: You have discussed them with me, yes.

SEAMAN: All right, sir. And did I make an appeal to the committee not to develop this? Because our district, or the Coastal Bend, in the bizarre district which runs from, well, in fact, when I got the map, Mr. Chairman, when I got the map, I walked out of my house at Airline, which is this little dot here, (which makes up the beginning of my district), and the first thing that I realized was that I had to have a life vest to get to my district. HELP ME! I had to have a life vest to get to my district, Mr. Chairman. In fact, this looks like land but it's really water, thank you, this whole area is water, and I can swim from my house, (that's the only way I can get to my district), all the way out to Corpus Christi Bay, all the way down the ship channel and I finally come to some land mass so I can go to my district and go down to Starr County and the Rio Grande Valley. Did we discuss that, sir, and did I put an amendment in by Chairman, by one of your committee members, Vilma Luna, which solved this problem and did not pair anybody?

D. JONES: You discussed all of those points with us.

SEAMAN: Thank you, Mr. Chairman.

REPRESENTATIVE BONNEN: Mr. Speaker?

CHAIR: Mr. Bonnen.

BONNEN: Will the gentleman yield?

D. JONES: I yield.

CHAIR: The gentleman yields, Mr. Bonnen.

BONNEN: Thank you very much. Chairman Jones, I know you've worked hard on this and I just wanted to ask you if you're aware of the fact that Brazoria County is the only county in the State of Texas that, under this plan, that is double-cut. In that what it does is, it takes the 241,000 citizens of Brazoria County, it takes one ideal district of 139,000, and there are 102,000 people left. And when there are 102,000 people left, we could keep them, ideally, into one other legislative district. But unfortunately, under your map, it divides those 102,000 citizens of Brazoria County and it takes half and sends them to Galveston County (where there is very little, if none, community interest), and then it takes the other portion and sends them over into Matagorda and Calhoun Counties where we are currently drawn with Matagorda County. And that creates, I hope you're aware, the only double-cut in the entire State of Texas. Is there any reason why that would be the case for Brazoria County?

D. JONES: Mr. Bonnen, you can never imagine how long that many of us, and me in particular, agonized over the creation of the whole pattern of districts, and every plan that I could develop ended up in what I call a compression point. Yours is part of that compression point, Mr. Seaman's district, that he just outlined and discussed, are also a part of that compression point. And in order to meet the one man, "one person, one vote" criteria, and also meet a minimum cutting of county lines throughout the state, there was a necessity in every plan developed for a double-cut of a county. And rightly or wrongly, we developed what appears to be the best plan by making that double-cut occur in Brazoria County.

BONNEN: But Mr. Chairman, would it not be fair to say that if Brazoria County and Matagorda County, as they are joined presently in the house districts with which we all live under today, that that would free up Calhoun County, which would relieve some of the stresses and problems that are caused in Representative Seaman's district and, more importantly, all over the Nueces County and Corpus Christi and South Texas areas, and it would also relieve that double-cut scenario there in Brazoria County? Because what's fascinating to me is that when I talk to the people in my district and in Brazoria County, that they happened to point out that when you take 102,000 excess citizens from Brazoria County and you add the math together of 37,000 and roughly 700 people from Matagorda County, you have almost a perfect district when it comes to population. And that's not bringing Calhoun County up the coast, and it continues to allow the Valley to have the alleviation and the extra numbers that they need to draw compact and fair districts; whereas, you take that double-cut away from Brazoria County and you still have that opportunity to draw Galveston County in a fair and compact district, also.

D. JONES: And we attempted numerous times to take that double-cut away from Brazoria County, but each time we ended up with a double-cut in other areas that created bigger problems for us than the double-cut in Brazoria, so we reverted back to the least-problem area. And I recognize your concern about it, but that is the sequence of how things occurred.

BONNEN: And I appreciate that and, unfortunately, the people of Brazoria County are probably not going to take that as a very positive answer and it's not very fair for them or the people of Texas. And there are some solutions out there that we're going to work on today and I appreciate your taking time to visit with me.

D. JONES: Thank you, Mr. Bonnen.

REPRESENTATIVE PUENTE: Mr. Speaker?

CHAIR: Mr Puente.

PUENTE: Will the gentleman yield?

D. JONES: I yield.

CHAIR: Gentleman yields.

PUENTE: Chairman Jones, I first want to congratulate you on drawing the Bexar County plan. I think all 11 members contributed to that plan, obviously some interests were, some members were not as happy as other members, but I'd like to ask you specific questions about what we did in Bexar County. And also in relation to what happened, is happening in Dallas County, but in Bexar County: are you aware that we are going down from 11 members down to 10 members?

D. JONES: That's correct.

PUENTE: And although we grew, we didn't grow as far, as quickly, as many as other parts of the state?

D. JONES: That's correct.

PUENTE: And in our county we have over 60 percent minority, a combination of Hispanic and black. You're aware of that?

D. JONES: I'm aware of it, yes.

PUENTE: And although we could have drawn a county map that was, all 10 districts would be a minority district, we didn't do that, did we?

D. JONES: That's correct.

PUENTE: And so we still allowed for representation by all members?

D. JONES: I beg your pardon?

PUENTE: We are allowing representation by all members and all ethnic groups?

D. JONES: That's, I believe you're correct in that.

PUENTE: And I, I don't know if you took note of our city elections in, on this past Saturday. You'll note that we had our second Hispanic mayor in history, of modern history. And this Hispanic member, this Hispanic new mayor carried the northern precincts, the northern Anglo-Republican precincts in Bexar County. So this is a way, I think, of showing the rest of the membership here that our growth is predominantly Hispanic. Did you take that [into] consideration in drawing these plans?

D. JONES: We did, but I also think that the election results that you're referring to show that the State of Texas has grown beyond single-issue items between various peoples, and that the Hispanic community and the Anglo community in Bexar County have a broad mind and have accepted that those people who represent them will represent all of the people, not just segments of the population.

PUENTE: Thank you, Mr. Chairman.

D. JONES: Thank you.

REPRESENTATIVE TALTON: Mr. Speaker?

CHAIR: Mr. Talton.

TALTON: Will the gentleman yield?

D. JONES: I yield.

CHAIR: Gentleman yields, Mr. Talton.

TALTON: Thank you, Mr. Speaker. Chairman Jones, I have a few questions I'd like to discuss with you regarding Harris County. As you know, Harris County, I believe, under your plan has gone from 25 to 24, is that correct?

D. JONES: That's correct.

TALTON: And you've also said in your opening statements that it was to look at the communities of interest and try to represent the people of Texas and the people in those communities, is that correct?

D. JONES: That's correct.

TALTON: And do you remember having a breakfast with the mayor of Pasadena and others regarding the city of Pasadena?

D. JONES: I recall that breakfast.

TALTON: And you, you are aware that Pasadena is the second-largest city in Harris county at 140,000?

D. JONES: Yes.

TALTON: And their concern was that they would like to have their own representative, is that correct?

D. JONES: I beg your pardon?

TALTON: And their concern was they wanted to have one state representative, is that right?

D. JONES: Yes, that was one of their expressions to me.

TALTON: In other words, they thought that they had too many and the town was broken up. Would you, would that be a good implication from your conversation with them?

D. JONES: I beg your pardon?

TALTON: I said, would it be fair to say that they just felt like that they had too many state representatives dividing up their town?

D. JONES: I think that was one of the points that they brought out.

TALTON: Now today, prior to this plan, the city of Pasadena is broken up into four, but under your plan it will now be five, is that correct?

D. JONES: I'll accept that as correct because you're familiar with it.

TALTON: Mr. Jones, also, do you think it's fair, (I just did this since my district is paired and looked at it because I have most of Pasadena, compared to the other areas), but are you aware that when you look at southeast Harris County, in general, that you have over 500,000 people with one resident state representative under your plan? Are you aware of that?

D. JONES: I would question that, but if you say it's true, I certainly would not question you.

TALTON: After your plan, if your plan passes and becomes law, there would only be Representative Davis that would be representing southeast Harris County.

D. JONES: If there are 500,000 people there...

TALTON: Yes, sir. If you'll look at Pasadena, Deer Park, La Porte, Clear Lake, Sagemont, you'll take all those from the ship channel to the Harris County line, all the way around to Clear Creek, and Clear Creek to the Beltway, or even up to, Beltway to I-45 and I-45 to 225, to the 610 bridge in the ship channel again; if you took that area which is considered southeast Harris County in Harris County, then you have approximately 500,000 people with one resident state rep after the election, if your plan is passed.

D. JONES: If your numbers are correct under the census, then that 500,000 people will have three or more representatives because we have complied with the requirement of meeting "one person, one vote"—which means 139,000, (ideal number), up to about 145,000, (maximum). So if there's 500,000 in that area you described, they have got to have more than one representative.

TALTON: No, sir. If you will look at your plan, I did the numbers assuming that the census data that we have on our RedAppl is correct, and I assume that it is, that after the election that there would be only one resident state rep, Representative Davis and, quite frankly, I do not think that is fair to southeast Harris County.

D. JONES: We accept your opinion.

TALTON: And also, I'd like to point out to Harris County, you have dropped us from 25 to 24.

D. JONES: That's correct.

TALTON: Is that correct?

D. JONES: That's correct.

TALTON: Are you aware that there is not one countywide elected Democrat in Harris County and under your plan it would be 14 Democrats and 10 [Republicans], and possibly 15 Democrats and nine [Republicans] in Harris County after the election of 2003? Do you think that's fair?

D. JONES: I think our total plan is fair, yes.

TALTON: Mr. Jones, how can you say that it's fair when you have countywide elected officials that are Republicans that win and then under your plan you have 14 Democrats and 10 Republicans? Can you answer me that question, in how that is fair?

D. JONES: When we considered all of the restrictions and guidelines, and they were all applied to Harris County just as they were the rest of the state, it developed this plan that we are discussing of 24 members. And let me digress a moment from the immediate question and review that taking of the total census population of Harris County. Harris County was, quote, entitled to 24.4 house seats. We, if you recall in our meeting with Harris County delegation, requested that the delegation consider two plans. One, a 24-membership plan and another, a 25-membership plan. And the reason for that was that because of the Harris County situation, population-wise and I don't mean that critically, that as we developed the entire plan for the entire state, there was always a possibility that we would end up with a pattern that created only 125 districts in other parts of the state. And I told the delegation when I met with them that I would request a 25-member plan and a 24-member plan because if we should have developed only 125 districts, then we could go above our guideline rule of those districts, those counties with a proportionate district above 50 percent would get the above number, those below, the lesser number. Harris County was one of those below but we were prepared to put in 25 districts in the event the total plan developed only 125, it would let us violate that rule. As it eventually developed, we had 126 under the new merit distribution that we're required to follow, and we then went to the 24-member plan instead of the 25-member plan.

TALTON: Mr. Jones, you are familiar, are you not, with the Texas Constitution, because you've been doing this redistricting for a long time, have you not?

D. JONES: It seems a lot longer than it really has been, I think.

TALTON: And you are aware of what happened in 1991 with Bexar County when they had 10.47 and they were given 11, and now we have Harris County with 24.46 who is growing at 20.66 percent, which you remember I testified to in the committee, and you're going to give it to someone other than Harris County, one of the fastest-growing counties, large[st] counties in the state? I don't think that's fair to my area, southeast Harris County, or to Harris County or, quite frankly, it's not fair to the State of Texas. Thank you.

D. JONES: Thank you.

REPRESENTATIVE CLARK: Mr. Speaker?

CHAIR: Mr. Clark.

CLARK: Will the gentleman yield?

D. JONES: I yield.

CHAIR: Gentleman yields, Mr. Clark.

CLARK: Mr. Jones, I was very interested, after Representative Garcia had asked you some questions about the problems with the packing of Hispanics in Dallas, Chairman Bosse asked you some questions, and I thought I heard that you had had him, or some other committee member, involved in some negotiations with some groups?

D. JONES: Well, in order to clarify in the minds of all of the members of this house, since January and since my appointment to this job, I have been approached by so many people that, I hope it's not a result of age, but for some reason, I can't remember every group I met with. And in an effort to be sure that each and every inquiry was properly responded to, I had to delegate out some of these responses and I, in turn, received back information. And I can't respond specifically to every conversation that may have occurred with, other than myself, with those groups that met with committee members. I hope...

CLARK: Well, and I'm just trying to be sure, did I understand, then, that what Mr. Bosse was indicating was that the amendment that he has at the end of our list, or towards the end of our list today, (and I think you have a major amendment towards the end of the list today), is intended to basically amend the plan you have now laid out, **HB 150**, and to clear up the problems based on some of those negotiations?

D. JONES: The list at the end of this document, one, two, three, four, five, there are five, or there were submitted properly and timely, five statewide plans that should be considered.

CLARK: And my question, sir, is that, and I was just trying to understand the remarks you just had a few minutes ago with Chairman Bosse, which seemed to be in response to Representative Domingo Garcia's questions about Hispanics in Dallas. And I think I heard the two of you agree that one of these statewide plans, and I think it was Chairman Bosse's, is intended to solve that problem by the end of the day. And I gather that this was based, and since Mr. Bosse is on the committee, based on some negotiations that was had where he was trying to work with those groups to provide you with this information. Is that what I heard?

D. JONES: Well, I would think that we may have gotten a bit out of order by discussing statewide plans, but the discussions that I'm aware of that have occurred were within the membership of this house. And that's the information that has come to me as a result of comments, questions, and recommendations that house members had as we progressed. I fully expect that as we go through the process of amendments there may be a number of amendments that get cleared up by prior amendments, and there will probably be some withdrawn. I cannot at this time, and should not, predict which of those would occur, but as we progress, I think all of the questions will get answered.

REPRESENTATIVE DUTTON: Mr. Speaker?

CHAIR: Mr. Dutton.

DUTTON: Would the chairman yield?

D. JONES: I yield.

CHAIR: Gentleman yields, Mr. Dutton.

DUTTON: Thank you. Mr. Chairman, in Harris County, we currently have how many seats?

D. JONES: Twenty-five.

DUTTON: And under your plan, how many do we have?

D. JONES: Twenty-four.

DUTTON: And is it true that we needed about 300 more people to have 25?

D. JONES: I think that I could answer it this way and state that if you had, IF, on the date of census, you had had an additional 300 or more people, then that would have brought you up to the 24.5 or more that would have justified 25 for the county. So the answer to your question would be, yes.

DUTTON: And do you, can you tell us where the 135,000 people who are in Texas prisons, where were they counted?

D. JONES: They're counted at their place of incarceration.

DUTTON: And so for redistricting purposes, we count them and draw the lines as if that is where they are going to remain over the next 10 years?

D. JONES: That's correct. We don't know that they'll remain 10 years, but if they were there on the date of census, which was April 1 of, what, 19..., of 2000, then they were counted and, I believe I am correct, that all of our prison inmates probably were more accurately counted than were those of us who are non-prisoners.

DUTTON: And so where we have those legislatures chosen to build the prisons, if we'd built them all in one place, they would have their own state representative, I assume.

D. JONES: That's probably correct. Maybe more than one, unfortunately, it might be more than one.

DUTTON: And so now, these people who are incarcerated should be informed that they have been, their numbers have been used to create, or at least help, certain legislative districts and so, therefore, even though they cannot vote for that person, that person remains their state representative.

D. JONES: That's correct.

DUTTON: Thank you.

REPRESENTATIVE R. LEWIS: Mr. Speaker, will the gentleman yield?

D. JONES: I yield.

CHAIR: Gentleman yields, Mr. Lewis.

R. LEWIS: Mr. Chairman, first of all I'd like to say that I appreciate the work you do. I will say that I would, the majority of this body, or a large percentage of this body, has never been through a redistricting session and it has to be the most difficult job of anything we do in that session, for sure. And I appreciate the job that, that you're trying to do. Let me ask you this, in the redistricting plan of '91, did we not have two cuts in that plan that we're running under now?

D. JONES: I think you're correct, but I could not guarantee it.

R. LEWIS. Okay, I think, I'm almost positive we did. But the second thing is, I have to go on record with my concern for East Texas/Southeast Texas corridor. We have paired eight members, six to eight members in that corridor. Six of the members that are paired under the plan are paired with two open seats adjoining those six paired members. For the life of me, I can't figure out why we would pair members of this body and allow for two open seats that adjoin them.

D. JONES: I think that if I were in that East Texas delegation, I would have the same concern that you have, and my answer to that is that the open seats that are created were not created by design to result in pairing of members, they were created as the result of complying with the numerous restrictions that I have referred to in drafting the entire state plan. And if each person in this room could have had the experience that I have had, this is my third redistricting program to be directly involved in, if you could have had my experience, you would recognize that following the guidelines creates, number one, some rather strange, in some cases, artistic configurations. It also creates a severe emotional stress, for myself in particular, when I think as I lay out a plan, as I mentioned when we laid this plan out originally, that the process has paired some good friends, some great representatives, and one of those two will not come back unless he or she moves to one of the open districts, in which case they would have an opportunity to come back. But it's very heartbreaking to look at this body and think about the fellowship and the wonderful people here and know that this map has paired 18 of them. It's tough.

R. LEWIS: Sure it's tough, Delwin, and a couple of points here, and I think one point is that history has shown in elections that people have actually moved into a district to run in that district from another district, their chances, percentage wise, of being elected is very low according to past cases in which that's happened.

D. JONES: I can answer that one from experience because I moved into a district like that and I didn't win.

R. LEWIS: That's exactly right.

D. JONES: So, I can, I recognize that.

R. LEWIS: Let me ask you this. In the attempt to draw this plan, and the pairing of 18 members, was the whole idea and the whole work, a large percentage of work that you put into this was to make sure that we only had one cut?

D. JONES: That was one of the driving forces, because our legal staff advised me that if we had more than one cut then we would be immediately challenged in court on that issue and there was a strong possibility, based on prior court rulings, that we would lose on that issue. With that in mind, we made a very diligent effort to only do one double cut.

R. LEWIS: With one cut, does that assure us that this won't be in court?

D. JONES: I don't think it will be the result of the cut, but I think, based on previous history, we can anticipate that there is a high percentage of possibility that any plan that we develop will end up in court eventually, before it's settled.

R. LEWIS: One final question and I'll let my friend Mr. Moreno, if we would have drawn, if we would have drawn a map that would have allowed for two cuts, which is certainly what we're living under right now, was a two-cut plan, if we would've drawn two, a plan with two cuts in it, how many members do you remember would have been paired?

D. JONES: What would that impact on pairing be?

R. LEWIS: Yes.

D. JONES: I didn't study it from that perspective but I would, and trust me this is an estimate based on my experience, it would have probably precluded three or four pairings having to occur, at least two.

R. LEWIS: But probably two to three instead of eight.

D. JONES: Right.

R. LEWIS: Or nine.

D. JONES: More. Uh-huh.

R. LEWIS: So, I guess the statement I need to make here is that some people see this as an incumbents' bill; I'm not one of those that see this as a friendly incumbent bill. Thank you, Delwin.

D. JONES: And I'm not one of those who directly approached incumbents' protection, but throughout the process, I have felt that we should, in every way possible, respect the communities of interest that elected each of us and try to hold those communities together, and some have interpreted that to be my effort to protect the incumbents; it's a sincere effort to be responsive to the people of the state.

REPRESENTATIVE P. MORENO: Mr. Chairman, will the gentleman yield for a question?

D. JONES: I yield.

CHAIR: Gentleman yields, Mr. Moreno.

P. MORENO: Mr. Jones, you are, you are a member of the Republican party, are you not?

D. JONES: That's correct.

P. MORENO: And I am a member of the Democratic Party, am I not?

D. JONES: That's, that is, I believe, absolutely, totally correct.

P. MORENO: And I, and do you know that I like to classify myself as a yellow dog Democrat, not just a plain Democrat?

D. JONES: I believe that that's been your position for all the many years that I have known you.

P. MORENO: So you and I have voted differently in about every philosophical issue on this floor, have we not?

D. JONES: Many times.

P. MORENO: And you, of course, you know being the chair of the committee, you did have the opportunity to do what you thought was correct?

D. JONES: That's correct.

P. MORENO: I would like to make a statement, you know, before I ask you a question, but this is going to be my fourth legislative redistricting.

D. JONES: I'm aware of that.

P. MORENO: And I want to tell this house that never did I receive any pressure from you, from the speaker, from anyone, regarding the plan that we voted out of committee. You did not give any instructions, or you did not receive any instructions from the speaker, did you?

D. JONES: I did not.

P. MORENO: Notwithstanding that, there were some very serious [inaudible] made about this in committee, was there not, very undue criticism that you were taking orders. This is not correct, is it?

D. JONES: Correct.

P. MORENO: Now redistricting, Mr. Chairman, as you know, is a very complicated process and for example, in Brazoria County, were we to have changed what appears to be correctly, this would have changed the whole area, not possibly around the state, but all over the state. Is that correct? It's just like dominos, you just have to keep on changing, changing, changing. Is that your experience?

D. JONES: That's correct because any change that you make has a ripple or domino effect and that particular one that you described, had it, as it occurred, it caused some pressure to the south and east, I believe that's correct, directions. Had we made it in another direction, it would have caused repercussions up to and including district number one, which is in the corner of, between where Texas, Oklahoma, Louisiana corner, and it would have had an impact on them. So whatever we did at any point, as you indicated, had a tremendous impact on other points.

P. MORENO: Thank you very much.

D. JONES: Thank you and I appreciate your remarks, and I would clarify one thing, that this is the Jones redistrict plan, as you indicated, it is not the Laney redistrict plan because, as I indicated earlier, when I presented the packet to

the speaker as it came out of committee, that was his first direct contact from me with reference to what our committee was doing, or had done.

REPRESENTATIVE DRIVER: Mr. Speaker?

CHAIR: Mr. Driver.

DRIVER: Will the gentleman yield for a question, please?

D. JONES: I yield.

CHAIR: Gentleman yields, Mr. Driver.

DRIVER: Chairman Jones, the plan, you asked for plans from different counties and different groups, we submitted a plan that came to you for, basically, northeast Dallas county, which is bordered, you know, the county lines that you're worried about, north, I, my district and several others that are right, tucked in close to mine are bordered on two sides by county lines: north and east.

D. JONES: Yes.

DRIVER: Not quite big enough for two representatives to take over because the two towns that are outside of Garland (my area), but when you add in a little bit from one town, and a little from the east of me in Richardson, a little bit from Mesquite on the bottom, we can definitely do it. But what I was concerned is "communities of interest" is a term that I took to heart and I, the committee, I was told that the redistricting committee was taking to heart. This area has been represented by three representatives for, I guess, 10 years. In the district that I represent totally, is one school district: Garland, Sachse and Rowlett, three of the cities I represent, all in one school district. We submitted a plan that kept that fairly compact, fairly intact, and communities of interest were totally, totally put, kept together. And the plan that came out—I have yet to figure out why we would put me into another city that I've never represented, why we would put six representatives to represent a, one community of interest. I don't understand why that, I don't know if there's an answer for that, but I just had never got to ask you about that, one on one. Three is plenty, but three is possible, three makes a little bit of sense because of the numbers, but to all of the sudden carve it up into six and then take a little town of 50,000 and put three representatives in that town, I didn't, I mean, communities of interest just didn't seem to be a major consideration, and since we're tucked in that corner it would've been very easy to take care of that.

D. JONES: Right. And, of course, community of interest is one of the points to consider, but not the only one. And with respect to Dallas County, we did not receive total integrated plans; in other words, we—Tarrant County delivered to us a plan that was developed by the 10 Tarrant County members and they so indicated by telling us that they had all agreed on this plan. I did not have that type document from Dallas County, and I know that you submitted a plan, some others did, and in trying to put those plans together in the manner that we did, it was impossible for us to fully understand every school district, every community of interest that you have outlined. And we placed those individual plans in the best manner that we could devise to meet the guidelines that we have to follow, with reference to population and those other matters that we were trying to follow.

DRIVER: The population guidelines were settled with what we submitted, but the tentacles coming out of the Dallas area and to come into my city and to put me into that area too, just didn't, I mean it just totally destroyed the community of interest concept, it just doesn't seem fair to my district to let us have, to not let us, but make us have six representatives where three have been sharing and taking care of, but to totally double that number and, especially when we're tucked in that corner, I mean if we were, if they were coming in from all sides, sure I could maybe visualize that a little bit, but this has six tentacles coming in there and taking it when it, it just didn't seem like it was right. I know it's not fair for my district, and it didn't seem like it would totally be fair for Texas when we start forgetting the community of interest aspect of it. Thank you for your comment.

D. JONES: Thank you.

REPRESENTATIVE E. JONES: Mr. Speaker, will the gentleman yield?

CHAIR: Do you yield Mr. Jones?

D. JONES: I yield.

CHAIR: The gentleman yields, Ms. Jones.

E. JONES: Chairman Jones, are you aware that the minority voters population of Bexar County is 60 percent now, according to what my colleague, Representative Puente referred to earlier?

D. JONES: I recognized those earlier, yes.

E. JONES: Are you aware that, at this time, the Bexar delegation has been made up of members, eight of our delegates are of the minority representation?

D. JONES: Yes, I'm aware of it.

E. JONES: And would you think that at a 70 percent representation in the Bexar delegation, on a proportional basis, that would be over the census figures that we have before us now that we're basing this on? But that at 70 percent minority representation, out of 10 seats, that is still excessive in the proportional count of our minority representation countywide? Is 70 percent not bigger than 60 percent?

D. JONES: Yes, in my math it is, yes ma'am.

E. JONES: I was just wondering if you were aware that...

D. JONES: Yes.

E. JONES: ...that even at 70 percent, minorities in Bexar County would be represented on a proportional basis, to a higher degree than to which they actually exist. To suggest that someone could possibly draw 10 minority districts, based on our current growth patterns, the north and northwest side of Bexar County, quite frankly, I think is pure hogwash, with all due respect to my colleague. And I would just like to go on record to let everyone know that I find that the plan is really not good for my district, as you know, and I've talked about it with you earlier, with my county, and for my state.

D. JONES: And I would certainly recognize your statement and I would tell you that, being an old farm boy, I understand that terminology of hogwash very well.

E. JONES: Thank you, sir.

REPRESENTATIVE MERRITT: Mr. Speaker, will the gentleman yield?

D. JONES: I yield.

CHAIR: Gentleman yields, Mr. Merritt.

MERRITT: Chairman Jones, you're holding up very well and I'm proud of the work that you're doing.

D. JONES: Thank you.

MERRITT: Chairman Jones, you're aware that District 7 under the present representative plan serves both Gregg County and a portion of Rusk County, which is in the city limits of Kilgore. And I think that under the committee's decision, that due to the decision not to split, by the constitution, counties, I was required to go to another county because of constitutional rulings and background, is that correct?

D. JONES: That's correct. Your district, or at least let's just say it this way, Gregg County did not have a population for an entire district, and in complying with "one person, one vote" it was necessary to take in or add to Gregg County from additional population in order to bring your numbers up to the proper number and, yes, that's the reason for that.

MERRITT: Now, Chairman Jones, when you make that decision, you had a lot of experience in the past of the redistricting process and going through various court decisions, when you gave me that answer, did you consult with, who do you consult with to assure us that we are doing the constitutional right thing?

D. JONES: We have a very adequate Legislative Legal Council who have, for some years, had a primary responsibility for keeping abreast of all court rulings, not only within our state, but throughout the nation. And Jeff Archer and David Hanna are the two individuals on our Legislative Council staff who have this legal expertise, and they were my primary source, or resource, for legal information.

MERRITT: Chairman Jones, from time to time you probably are contacted by other redistricting scholars about different situations that helps you formulate your decisions in addition to that. Is that something that happens in the process?

D. JONES: I can assure you a lot of people offered me advice, you kept me up so late last evening that, giving me advice, that I was quite tired this morning, but proceed.

MERRITT: Well, you have so much knowledge, Chairman Jones, that I'm just excited to drain you from that. One other question, in the county of Harris County, your plan has drawn 24 representatives, is that a constitutional number, in your opinion, as you've researched that?

D. JONES: There's, those 24 districts are totally contained within the county and that, in itself, is a constitutional guide. The exact number within that county was determined by dividing the total population by 150 and, under that division, they were entitled to 24.4, and under the precedent rules of how you determine to put numbers within a county, that would say that they were entitled to 24. Had that number come up to an amount in excess of 24.5, then our precedent rule would have required that we put in 25, but the 24 does comply with, what I call, the rule of precedence.

MERRITT: And this is, what you're addressing is the constitutional issue of the 24 versus the 25?

D. JONES: The constitutional issue is to keep them all within the county, and the division factor is one that we've used for many, many years to determine how they'll apportion seats and has been accepted by courts in previous situations.

MERRITT: And having 24 members allows for the rest of the state to redistribute that population to another district, somewhere else.

D. JONES: It allows the rest of the state to have 126 districts, total.

MERRITT: Yes, sir. So if we have a plan that is filed with a number of 25, what will you say about that, or what happens on a plan that's filed with 25 versus 24 in Harris County?

D. JONES: The net result would be that you would have to reduce the number in some other part of the state. Let me expand on that, Dallas County numbers require 10 districts, 16 districts, rather; Tarrant County, 10; Travis County, six; Bexar County, 10; El Paso, five, so when you have those that are contained within counties, they're off-limits to reduce. So I'm leading up to this answer to your question, when you take those off-limit counties out, then the net effect of adding one additional seat in Harris County would be to reduce a rural seat somewhere, not directly, but by apportioning out that population in a manner to reduce the number of rural seats.

MERRITT: And if we would have had 24.5, we wouldn't be arguing 24 versus [2]5, it would simply be that Harris County would receive 25, is that what you said earlier?

D. JONES: That's correct and, of course, that would have put a severe strain on us, but we would've had to resist the strain, we would've had to distribute the rest of the state in a manner that would only create 125 other seats.

MERRITT: And under your plan and your committee and the members, you tried to develop a very fair and compact plan that's fair for the citizens of the State of Texas, is that the goal of the committee?

D. JONES: Our first direction was make it legal; next, make it fair; and then, make it respectful of the people of Texas, you're correct.

MERRITT: Thank you very much, Mr. Chairman.

REPRESENTATIVE VILLARREAL: Mr. Speaker?

CHAIR: Mr. Villarreal.

VILLARREAL: Will the gentleman yield?

D. JONES: I yield.

CHAIR: The gentleman yields.

VILLARREAL: Thank you. Mr. Chairman, do you know what you get when you bake a cake and you put in 60 percent of its ingredients as chocolate?

D. JONES: I'm more experienced in making cream gravy, but go ahead with your analogy.

VILLARREAL: Well, when you bake a cake and 60 percent of its ingredients are chocolate, you get a chocolate cake and no matter how you cut it, it's a chocolate cake. I'm hoping to address a misrepresentation that was made earlier, that if you have 60 percent minorities in Bexar County, you get six minority representatives. I want to thank you for recognizing our development in Bexar County, I want to thank you for recognizing that Hispanics and blacks in Bexar County live all across our city, I want to thank you for recognizing that our growth over the past decade has represented over 80 percent of all new persons and that over the next decade, according to census figures, we will represent over 98 percent of the growth.

D. JONES: Let me respond to you in this manner, that I certainly appreciate your kind words and your complimentary words about what we did, and I shouldn't negate any of them by pointing out that what we did was the result of following all of the other guidelines, and we did not take a percentage figure and set out to make creations of districts. We followed the guidelines, and, but I will take your word for praise, you know that kind of makes me feel better and I appreciate it.

VILLARREAL: Thank you, chairman.

REPRESENTATIVE HAMRIC: Mr. Speaker, would the gentleman yield?

D. JONES: I yield.

CHAIR: Gentleman yields, Ms. Hamric.

HAMRIC: Thank you. Chairman Jones, I would just like to visit a little bit with you about some questions that Mr. Merritt had referred to about the Harris County plan in going from 25 to 24 in Harris County. Did I understand you to say that if Harris County had gotten to the [24].5, that there would've been a consideration to keep us at 25 in your plan?

D. JONES: It would have been considered and I think we would have gone to 25.

HAMRIC: Mr. Jones, I was here back in 1991, was my first session. If I remember correctly, Bexar County, at that time there was some question as to whether or not they would retain 10 or go to 11. They had 10.46; it was decided that, yes, they would go to 11. Harris County has 24.46—it seems to me that in 1991, would you not say that the legislature made that decision?

D. JONES: I can respond to it in this manner, that you are correct and we made that decision under some severe political stresses and, because of those stresses and the occurrence of them in '91, we made a dedicated effort not to incur those stresses this time.

HAMRIC: Well, Mr. Jones, what stresses, then, are making Harris County have to go to 24 this time, rather than retain our 25 members?

D. JONES: Had we gone to 25, we would have had to reduce some other area of the state and that would have brought about...

HAMRIC: And which area might that be, Mr. Jones?

D. JONES: It would have probably been the rural part of the state and that would have brought severe stress on me, as a rural member.

HAMRIC: Mr. Jones, I don't doubt that at all.

D. JONES: Thank you.

HAMRIC: Mr. Jones, I just have to say I have to agree that I don't think your plan is fair for Harris County. Thank you.

D. JONES: Thank you.

MR. SPEAKER: Members, we've got some announcements, we're going to take a lunch break at, so some committees can meet, and we've got some announcements. So if you'll bring your, any announcements you have forward, well, we'll recognize you...

D. JONES: Mr. Speaker, may I make one more observation?

MR. SPEAKER: Go ahead, Mr. Jones.

D. JONES: All of the authors of these amendments, if any of you, during the lunch time, feel inclined to withdraw your amendments, I'd certainly recognize you.

House recessed at 12:27 p.m.

House reconvened at 1:45 p.m.

MR. SPEAKER: Chair is going to recognize Mr. Jones. If there's no other question for Mr. Jones, the chair will start laying out amendments.

D. JONES: Mr. Speaker?

MR. SPEAKER: Go ahead, Mr. Jones.

D. JONES: Members, I request that we start laying out the amendments to **CSHB 150** that we discussed this morning. The first amendment on your list, plan number 1111, has been withdrawn. That lunch break paid off. The second amendment on the calendar, number H1073, by Mr. Madden, has not been withdrawn.

MR. SPEAKER: Following amendment, the clerk to read the amendment.

READING CLERK: Amendment by Madden. (Amendment No. 1)

MR. SPEAKER: Chair recognizes Mr. Madden to explain his amendment.

REPRESENTATIVE MADDEN: Mr. Speaker, members, my amendment takes a couple of zero-voting, zero-people blocks and moves them around in Collin County and also puts two of my communities, Hope, the towns of Princeton and New Hope, in two of the new districts created in Collin County. I believe it's acceptable to the author.

D. JONES: Mr. Speaker?

MR. SPEAKER: Chair recognizes Mr. Jones.

D. JONES: Mr. Speaker, members, this is one of those corrective amendments that has just been described and it's acceptable to the author.

MR. SPEAKER: Any objections to the adoption of the amendment? Chair hears none, the amendment is adopted. The next bill, the next amendment, H1066, clerk to read the amendment.

READING CLERK: Amendment by Junell. (Amendment No. 2)

MR. SPEAKER: Chair recognizes Mr. Junell.

REPRESENTATIVE JUNELL: Thank you. Mr. Speaker and members, this amendment, if you have it on your screen, involves three members' districts: mine, Representative Craddick's, and Representative Counts'. And if I could just briefly lay out what it would do, is, Representative Craddick and I would swap a county in Chairman Jones' plan and then Representative Counts and I would swap a county. Let me tell you, this doesn't have anything to do with Republican or Democrat; I have a 70 percent ORVIS, I have the most Republican district in the State of Texas that is represented by Democrats, so it's hard to make the district more Republican or less Republican, based on the fact that we have more sheep and goats than we have Republicans or Democrats in my legislative district out there. But it does have to do with keeping communities of interest and it does have to do with keeping a county that has been in the same legislative district for over 20 years and so, for that reason, the people of Mitchell County, which is the one that gets swapped with Representative Counts, and then, in an attempt to try to make the numbers fit, would, would is what it's about. I have, members and Mr. Speaker, a letter dated, to Chairman Jones, dated April 30 and I want to say one more time, Mitchell County, which is Colorado City, has been in the legislative district that I represent, and before that, my predecessor, for over 20 years. I have represented them seven terms in the legislature.

I do have a letter here dated April 20, 2001, signed by the commissioner's court requesting that they be placed back in the district with Tom Green County, which is San Angelo; a letter dated April 30, 2001, to Chairman Jones from the mayor of Colorado City, which is requesting that he be placed back in District 72; a letter from the Mitchell County Hospital District, making the same request; a letter from the superintendent of schools of the Colorado ISD, requesting that it be placed back into the same district. I have testimony, written testimony that was presented at the house redistricting committee from the chairman of the Mitchell County Texas Economic Development Board that would place it back into the same district. A letter, and very important to us, Ms. Dukes, is a letter from the producer's cooperative cotton gin, who asks that it be placed back into the same district; a letter from the Mitchell County Farm Bureau, also requesting that they be placed back into District 72. And so, the three members that are affected are Representative Counts, Representative Craddick, and myself.

BOSSE: Mr. Speaker?

MR. SPEAKER: Mr. Bosse?

BOSSE: Will the gentleman yield?

JUNELL: I yield.

MR. SPEAKER: Gentleman yields, Mr. Bosse.

BOSSE: Representative Junell, and you've done this before, 10 years ago. You understand that in the erection of the districts in, especially west counties where you have a number of smaller counties, that there's a certain formula that's necessary in putting those counties together?

JUNELL: I do.

BOSSE: And you also understand that there are some fairly strict rules that need to be adhered to.

JUNELL: That is correct and they are some cases of constitutional magnitude, not just statutory.

BOSSE: And furthermore, the particular county combination that you are proposing here was, I'm sure you realize, that this is one that was considered very seriously as we went through the process to try to make this work because of the concerns of the persons in those counties where you just read.

JUNELL: And I was just hoping, being the first amendment up after lunch, that perhaps ya'll wouldn't come back and maybe I could just slide this one through, but there is so much...

BOSSE: But you understand one of the very strictest and most adhered to principles that we have in this country is "one person, one vote"...

JUNELL: That's correct.

BOSSE: ...and within the confines that we have, is within a 10 percent deviation of the largest district to the smallest district.

JUNELL: That's correct.

BOSSE: And you understand that what you are proposing actually is outside of that 10 percent range, is that right?

JUNELL: By 60 people.

BOSSE: Mr. Speaker, may I approach the podium with Mr. Junell?

JUNELL: Before, may I just add something? I would request, Mr. Speaker, that the correspondence and the testimony that I alluded to be placed in the journal.

MR. SPEAKER: Is there objection? Chair hears none, so ordered. Mr. Junell withdraws the amendment. The next amendment, amendment 1075, has been withdrawn by Mr. Counts. Mr. Counts is looking at an amendment to the amendment.

READING CLERK: Amendment by Swinford. (Amendment No. 3)

MR. SPEAKER: Chair recognizes Mr. Swinford to explain his amendment.

REPRESENTATIVE SWINFORD: Mr. Speaker, members, I'm not going to take very much of your time, but I sort of felt like the area in West Texas was sort of like a wasteland, it got missed by both the Republican bill and also the house bill by Representative Jones. And the reason I believe that, is that the Republican bill maximizes urban representation and the Jones' plan maximizes rural representation, but it maximizes rural Democrat representation. And so I have developed a plan that, very simply, does the following:

It pairs Representative Hardcastle with Representative Counts in a district where there would be a fair race; it pairs Representative Junell and Representative B. Turner in house District 72; it pairs Representative Hilderbran and Tracy King in house District 43; it draws a new Hispanic district in representative District 44; and a new Republican district in representative District 73. It does not pair Isett and Walker in West Texas, and I believe that it's a compact district. And I would like to move adoption.

MR. SPEAKER: Chair recognizes Mr. Jones.

D. JONES: Mr. Speaker and members, it's with a great deal of reluctance that I stand here to oppose one of my fellow West Texas members' amendments. But a tremendous amount of effort and energy went into designing what we, of the committee, feel is a totally fair plan, reasonable, and because of that, then, I respectfully request that we table this amendment.

SWINFORD: Mr. Speaker?

MR. SPEAKER: Mr. Swinford.

SWINFORD: Will the gentleman yield?

MR. SPEAKER: Do you withdraw your motion to table, Mr. Jones?

D. JONES: I withdraw the motion to table, and I do yield.

MR. SPEAKER: Mr. Jones withdraws his motion to table and yields, Mr. Swinford.

SWINFORD: Thank you, Mr. Speaker. Mr. Jones, this plan has been approved by the Legislative Council, it meshes in completely with your plan, and it sort of goes down I-35 and we did not do anything on the east side of I-35, we only talked about the West Texas side. This plan does not, between the Republican plan and your plan, what has happened is we've had Republicans, the majority of the people in West Texas are Republicans and both plans pair Republicans. And there's not a Democrat pair out there in either one of the plans and I just felt like that was being a little one-sided on this deal, and that's the reason that I brought this to you today and would hope that you would accept it.

D. JONES: Thank you, I appreciate your bringing it.

SWINFORD: It also helps Mr. Keffer's district—his district remains a West Texas district, both of the other plans make him a North Texas district, and Ms. Hupp's district, District number 90, goes plumb to the border in your plan, and it keeps it a Central Texas district. I think that this treats our members more fairly than yours, and it does comply with all of the Legislative Council mandates.

D. JONES: Thank you. And Mr. Speaker, I still feel that our plan is developed, number one, it's approved by the Legislative Council in the same manner that this amendment was approved. But I believe that our plan is a superior plan in that it does a better representation of the wishes of the people of the area. And I move to table.

MR. SPEAKER: Chair recognizes Mr. Swinford to close.

SWINFORD: Mr. Speaker, this, and thank you, Mr. Speaker, this plan does not do any damage to the overall plan at all. This is about West Texas, this is about Republican representation of a Republican-primarily area. We feel like that we were under-represented on both plans, we feel like that it's the fair thing to do, and we certainly believe that our people in West Texas deserve a place at the table whenever we're talking about redistricting. I hope that you will vote no on the motion to table.

MR. SPEAKER: Question on the motion to table, all those in favor vote aye, opposed, vote no; division vote. Have all voted? Strike the board, the motion to table prevails. Mr. Uher? Mr. Uher? Next amendment, amendment 01123H. Clerk to read the amendment.

READING CLERK: Amendment by Uher. (Amendment No. 4)

MR. SPEAKER: Chair recognizes Mr. Uher.

REPRESENTATIVE UHER: Mr. Speaker and members, Brazoria County has been cut by the plan in two different ways, but historically we have cut Brazoria County twice in previous redistricting sessions. First, in 1971 and then again in 1981. But in 1991, we went back to the one cut plan in which Representative Bonnen and myself represent Brazoria County. So historically we know that Brazoria County has had two cuts in these types of sessions. I'm offering this amendment because of local concerns that have been expressed by some of the political leadership in Brazoria County, preferring to be cut singularly, as opposed to being cut twice. And thirdly, this amendment would reunify the county seat which Mr. Bonnen represents, county seat under the plan currently is divided, or split, in the little town of Angleton, Texas. Angleton is a community of around 13, 14,000 people, and so as you all know, members, cutting a small community like that can create some problems, so Mr. Speaker, if there's a question that Mr. Bonnen would like to ask, I will yield to...

BONNEN: Mr. Speaker, will the gentleman please yield?

MR. SPEAKER: Gentleman yields, Mr. Bonnen.

BONNEN: Thank you, Mr. Speaker. You heard, is this, is every city in Brazoria County under this amendment held whole within your district or mine?

UHER: That's correct.

BONNEN: Okay, it also removes the double cut that exists from Brazoria County and it ensures that those 102,000 citizens that don't fall into my wholly-contained district, fall into your district, correct?

UHER: That's correct. As you well know, before you were elected, at one time Brazoria County had, now County Judge John Willy and Jack Harris,

County Commissioner of Brazoria County, as members here and I served Brazoria County, so the three of us represented, during the '80s, Brazoria County and then, prior to that, there were other members elected from Brazoria county, which Brazoria County had two members, and I being the third member under the 1971 to 1981 plan.

BONNEN: Mr. Speaker, this is, wouldn't you agree this is an ideal way to draw Brazoria County along with Matagorda County, because it keeps every community, no matter how large or how small in these counties, held together within one legislative district or another, it ensures that whether a city is split (which they are not in this plan), but more importantly, the county is not needlessly cut-up, which is what's occurring in the **HB 150**, and that is what needs to be resolved and that's why this is a good amendment.

UHER: And, Mr. Bonnen, what we attempt to do is also keep the communities of interest together by keeping the towns whole and so, Mr. Speaker, I would move adoption of the amendment.

REPRESENTATIVE EILAND: Mr. Speaker?

MR. SPEAKER: Mr. Eiland.

EILAND: Will the gentleman yield?

UHER: I yield.

MR. SPEAKER: Gentleman yields, Mr. Eiland.

EILAND: Mr. Uher, currently, according to the map that we have on file now, I am shoved into Brazoria County and your map takes Galveston County out of Brazoria County and, in tasteful language, can you tell me where I'm supposed to go?

UHER: Well, Mr. Eiland, that's a real good question. There are some that might tell you to go some place where the devil is, but I'm not going to be one of those. All this addresses is Brazoria County because this tries to address some of the concerns of the political leadership back in Brazoria County.

EILAND: And I was at that, at the hearing on Brazoria County, and came to present the fact that they wanted to remain whole and have no one from Galveston County or any place besides Matagorda, come in. But you do realize that if we do, that if Galveston County doesn't go into Brazoria County, then we would be required to go either to Harris or Chambers.

UHER: That's correct.

EILAND: Okay.

UHER: And it would be difficult, maybe, to do both.

EILAND: Thank you.

D. JONES: Mr. Speaker?

MR. SPEAKER: Chair recognizes Mr. Jones.

D. JONES: With great hesitation, I would raise a point of order that this amendment does not comply with our statewide plan and, therefore, it would not qualify to be considered.

MR. SPEAKER: Point of order is well-taken and sustained. Chair lays out H1124, the clerk will read the amendment.

READING CLERK: Amendment by Eiland. (Amendment No. 5)

MR. SPEAKER: Chair recognizes Mr. Eiland. Chair recognizes Mr. Eiland.

EILAND: Mr. Speaker, members, after the initial plan by Mr. Jones was unveiled, Brazoria County came up here and made it specific, in no uncertain terms, that they were not happy with this plan. The plan has Galveston County, a portion of Galveston County, going into Brazoria County and I happen to represent that area that goes in there now. After listening to the Brazoria County residents criticize the plan and making it clear that they did not want me to come over there, they had two points:

Number one, they wanted Brazoria County to be only cut once. And they wanted all of their cities to remain whole. Well, since Mr. Uher's amendment just went down, at least at this point in time, we're not going to have Brazoria County to only have one cut. But what I tried to do was to take only that portion of Brazoria County into Galveston County and try to keep the communities whole. And what this amendment does, is it brings only Alvin into Galveston County. Alvin, I believe, is, has a lot of community of interest to Galveston County because I represent currently, Santa Fe; people in Santa Fe have Alvin addresses. They are, they abut up next to each other, as you can see on this map. Also, now when you leave one and enter the other.

So if it is to be that Galveston County goes into Brazoria County, I believe that this is the best way to do it, to have the least intrusion into Brazoria County, to keep Brazoria County's communities of interest whole, at least for that that joins Galveston County, and we do have an amendment to the amendment, Mr. Speaker.

MR. SPEAKER: Chair recognizes Mr. Bonnen.

BONNEN: Mr. Speaker, members, I have to speak against this amendment. I do, though, commend Representative Eiland and, I believe, Representative Uher and Representative Gray, for making their effort here. What they've done is they have taken Brazoria County and they have taken the double cut from Brazoria County from the Angleton/Surfside, Southern Brazoria County portion, and they've moved it to Alvin. What they did do that, I will tell you, that is positive, is that they hold all of the communities into either my district, Representative Uher's district, or Representative Eiland's district. So they have done a better job of keeping communities of interest together, but they have still violated the Golden Rule, for me, in redistricting and that is double cutting Brazoria County. The city of Alvin would be drawn from Brazoria County into Galveston County into Representative Eiland's district, and that splits that 102,000 excess after the ideal district is drawn, and for that reason, I have to oppose this amendment and would ask you to do that with me. I believe though, we're waiting on an amendment to the amendment.

MR. SPEAKER: Following amendment to the amendment; the clerk to read the amendment to the amendment.

READING CLERK: Amendment to the amendment by Gray. (Amendment No. 6)

MR. SPEAKER: Chair recognizes Ms. Gray.

REPRESENTATIVE GRAY: Thank you, Mr. Speaker and members. What this amendment to the...

REPRESENTATIVE HEFLIN: Mr. Speaker?

MR. SPEAKER: Mr. Heflin.

HEFLIN: Parliamentary inquiry.

MR. SPEAKER: State your inquiry, Mr. Heflin.

HEFLIN: Mr. Speaker, was the amendment to the amendment by Representative Gray pre-filed by Saturday at two o'clock?

MR. SPEAKER: No, it was not.

HEFLIN: Mr. Speaker, I wish to call a point of order against further consideration of the Gray amendment in that it violates the rule adopted by the house on May 1, under Rule 3, Section 4(2), and House Rule 6, Section 16(f), as brought by the calendars committee to this body.

MR. SPEAKER: Bring forward your point of order, Mr. Heflin. Mr. Heflin raises a point of order that the amendment to the amendment violates the calendars rule, consideration on **HB 150**, is respectfully overruled. You may continue, Ms. Gray.

GRAY: Thank you, Mr. Speaker and members. When it became apparent that the Brazoria County folks were so upset about the cut into their county, Mr. Eiland worked diligently to find a proposal that would be at least more acceptable, and he's already told you that the Alvin community in Brazoria County abuts parts of the district that he already represents, in fact, there are people in Alvin who have Galveston County addresses, and people in Galveston County who have Alvin addresses because of the proximity of those communities there. When he made that shift, it shifted populations within Galveston County. What the amendment to the amendment does is simply even up the population distribution between the two districts, it also keeps communities whole, to the extent that we can, and makes these communities even. It follows natural boundaries such as Dickinson Bayou, the split between the island and the mainland, and artificial boundaries such as highways, like I-45 and State Highway 146, to keep neighborhoods together. It also keeps the Texas City ISD School District all in one legislative district and, so, what we've done with the amendment to the amendment is make the district as equal as we can in terms of population, in terms of the makeup of the population within those districts, in that they both have about a third minority makeup which is roughly equivalent to what our county has, so we think that we've addressed the impact issue there and we think that it keeps neighborhoods and communities of interest together and, I believe, the amendment to the amendment is acceptable to the author of the amendment.

MR. SPEAKER: Chair recognizes Mr. Jones.

D. JONES: Mr. Speaker and members, I hope everyone can listen carefully to this. I have reviewed the amendment and the amendment to the amendment and, even though I recognize that within the delegations there's not total agreement on these changes, I feel that this is the amendment that improves our plan and, therefore, I accept it.

CLARK: Mr. Speaker?

MR. SPEAKER: Mr. Clark.

CLARK: Parliamentary inquiry.

MR. SPEAKER: State your inquiry.

CLARK: Mr. Speaker, just to avoid this coming up again and again, as I anticipate it may during the debate of the other amendments and possible amendments to the amendment, it's my understanding of the ruling that was just made that, it was brought up and the question concerning the wording that any amendment to the amendment must, there in Section 2(a), has been submitted to the chief clerk by any deadline imposed by this rule, it's my understanding that it's your ruling that that does not apply, or is not modified by Section 1, which has the deadline of 2 p.m. on Saturday, May 5, 2001. Am I...

MR. SPEAKER: You're going to have to ask your inquiry a little plainer, Mr. Clark, so that I can understand what your question is.

CLARK: All right, well, just to clarify the ruling, it's my, I'm trying to get the basis for the, for this speaker's ruling, on overruling that last point of order, and it is my understanding that the ruling is that an amendment to the amendment did not have to be filed with the chief clerk by 2 p.m. on Saturday, May 5, 2001.

MR. SPEAKER: Mr. Clark, we're having a hard time following you.

CLARK: All right, well, again, just to get an understanding of the basis on the ruling on the point of order, Ms. Gray had, Representative Gray had brought an amendment to the amendment which was not filed with the chief clerk by 2 p.m. on Saturday, May 5, 2001. And a point of order was raised that it violated the proposed rule for floor consideration **CSHB 150**, adopted May 1, 2001. The point of order was overruled by you, as speaker, and just for purposes of clarification, is it correct that what the ruling is, is that it was NOT necessary for an amendment to the amendment on this bill to be filed as set out in Section 1, by 2 p.m. on Saturday, May 5, 2001?

MR. SPEAKER: That is correct, as the dialogue at the time the, stated, when the rule was adopted, was stated.

CLARK: And further, it's my understanding that this ruling is being made, even in face of the argument, that it is a standard rule of statutory construction that legislation, or rules, are presumed not to have meaningless words or phrases, and...

MR. SPEAKER: No, no, now, no, I'm not going to get into a dialogue with you on what legal ramifications is to happen in a courtroom, Mr. Clark, so don't carry me down that road.

CLARK: Thank you, Mr. Speaker.

REPRESENTATIVE NIXON: Mr. Speaker?

MR. SPEAKER: Mr. Nixon.

NIXON: Point of parliamentary inquiry.

MR. SPEAKER: State your inquiry.

NIXON: Mr. Speaker, just in relation to more completely understanding the chair's ruling with regard to the last point of order, could you explain what is meant by Section 2, Section A, that that person...

MR. SPEAKER: Mr. Nixon, I ruled on the point of order and if you've got another parliamentary inquiry, I'll be glad to rule on it or answer any parliamentary inquiries you've got, but I don't think we need to sit here and dialogue about what something that I've already ruled on means to you or me, either one.

NIXON: Mr....

MR. SPEAKER: It's not a proper parliamentary inquiry.

Question is on the adoption of the amendment to the amendment. Is there objection? There is objection. All those in favor vote aye, opposed, vote no. Division vote. Record vote's been requested, a record vote's granted. Have all members voted? Have all members voted? There being 78 ayes, 69 nays, the amendment to the amendment is adopted.

Question now occurs on the adoption of the amendment as amended, is there objection? Chair hears none, the amendment, as amended, is adopted.

The following amendment, number 1110. Clerk will read the amendment.

READING CLERK: Amendment by Bosse. (Amendment No. 7)

MR. SPEAKER: Chair recognizes Mr. Bosse.

BOSSE: Mr. Speaker and members, in the process of going through this, in and through committee, it was discovered that Montgomery County had an excess, a surplus population over and above necessary for its two seats. That population was used to add to Liberty and Hardin Counties through the creation of house District 20, which you'll hear considerably more about shortly. The way that it was drawn in committee, though, and it involves about 20,000 or so persons, the way it was drawn in committee went down Highway 59 and split two VTDS, this amendment would run it north of there and take in an area roughly around Splendora, which probably has more in common with the Liberty County area that it attaches to, and I move adoption.

MR. SPEAKER: Chair recognizes Mr. Jones.

D. JONES: Mr. Speaker, this is another amendment that is acceptable to the author and I would like to make a statement here that it's in response, a great deal of the change is in response to some, what I call just average citizens who took time to come up here and meet with us at the committee level, and then follow up with some specific requests they made and this is an acceptable amendment.

MR. SPEAKER: Acceptable to the author, is there objection to the adoption of the amendment? Chair hears none, the amendment is adopted. The next amendment, number 1113, has been withdrawn by Mr. Dunnam. Following amendment, the clerk will read the amendment, 1076.

READING CLERK: Amendment by Zbranek. (Amendment No. 8)

MR. SPEAKER: Chair recognizes Mr. Zbranek.

REPRESENTATIVE ZBRANEK: Mr. Speaker and members, this addresses an issue that has occurred in Southeast Texas. What I'd like to do is first address some of the citizens' concerns that have come as a result of what has happened to District 20. I know a number of us here in my house have had things that we didn't like about our district, but fortunately for most of us, we still at least had a district there. The problem here is the citizens of District 20 have not been listened to in this process. There has been a number of papers filed with the committee addressing the concerns that occurred, for example, the county judge and the commissioners court of Chambers County have expressed their concern about being separated from Liberty County, as well as why they don't want to be associated, or in, with Galveston County. And just for example, in Liberty County and Chambers County, they share the same district attorney, they share the same district judge, the schools there all are local, and they compete through all about the same classification. Also there's other local units of government, like the Chambers Liberty Navigation District that is shared between them, and the heritage from both of these communities, or counties, go back a [inaudible].

Liberty County expresses the same concern, they have basically set out that they have concerns about being split away from Chambers County as well, and pretty much reiterate the commonality of the community that is expressed between the two. Finally, I know Representative Jones has shown or talked about listening to the average citizens from Montgomery County, well the testimony from the citizens from Montgomery County reflected that they did not want any part of Montgomery County being put into Liberty County, and the concern they expressed was because it divided communities of interest and what they had used was Highway 59 to do that. The problem was, and what was nice about the citizens and their conversation with us, is they pointed out what should happen, they gave us a remedy, and I have followed that. And what they've expressed is, is that if you have to move the surplus out of Montgomery County, it needs to go on the west side because you can do least disruption, as far as the commonality of interest goes, on that side. And so that's why I filed amendment and that regard is to shift that surplus to the other side where it's not affected. Now on this map, here, I have in front of you, this one, actually the only change that is here, and I already talked to Representative Kolkhorst about this, is this doesn't change hers. All this is doing is taking that little sliver on the west side of Montgomery County and putting it into whatever district we have out there now. So to the extent that that part is noted, I want that to be reflected. Also I think it's important, I want to share with you a letter, an affidavit sworn to by Commissioner Melvin Hunt, he is my commissioner in Liberty County who has lived in the area adjacent to Montgomery County for the last 40 years. And in it he states,

pretty much, that there is basically no commonality between Montgomery County and Liberty County at all, as far as this district exists. The problem is, is my district's a rural district and it really disrupts that, in total.

On the one hand, it takes Chambers County under the, Delwin's plan, and sticks it into Jefferson County, thus, losing your rural aspects of Chambers County. Likewise, the same thing occurs with Hardin and Liberty Counties, they're being put into the surplus with Montgomery County, which is a suburban county so now it's losing its rural flavor as well. Now earlier, April 4 of this session, the Southeast Texas delegation and, actually we were probably one of the few delegations that unanimously agreed to something and filed it with the committee, and basically my amendment represents that agreement, but for the total change that Joe Deshotel and Allan Ritter made as to in Jefferson County. But in it, I give the rationale for the justification. Because what I'm doing in this, with my amendment, is I am going to have a cut placed in Hardin County to take in about 12,000 people. Actually what I'm doing is not unusual because, actually, in the State of Texas right now the situation exists between Gregg and Rusk Counties. You have a little sliver of Rusk County that's taken out and placed with Gregg County to form a district. And that's basically what my amendment is doing.

Now, there is no reason, in law, and it's definitely not stated in the constitution, that you cannot cut county lines. What you cannot do, is have an unjustified cut of county line. And what I've done is, I've justified it in the records what I've filed in committee and then I will also make part of the record here today. What I want to do is state that the working plan stressed one thing and that was, that there should be no cutting of county lines, and that seemed to be the paramount consideration of the plan that we have before us; however, there are four other provisions of Article III, Section 26, that must be met that are no less important and, none of which mentioned, cutting county lines is an express prohibition. The failure to follow any of these expressed provisions of Section 26 would render the house plan unconstitutional. What is unavoidable in Southeast Texas, is that you DO have to put a cut of a county line in order to comply with the state constitution and the U.S. Constitution. What my amendment does is correct these constitutional problems and fixes a plan up as it applies to Southeast Texas. What I have distributed to each of the members on the floor is a copy of the Texas Constitution. What I've done is emphasized the provisions of the constitution to apply to what we need to be doing here today. And here's the reasons why this amendment is necessary to this plan:

First, it violates Article III, Section 26 in this regard: if you look at the four parts that I have on your desk it says, that and for any surplus of population, it may be joined in a representative district with any other contiguous county or counties. In the current plan this is violated because it goes beyond what the surplus is in Montgomery County. Now we just accepted an amendment that reduced that figure from 22,520 to 15,850; however, that is still above the requirement in the constitution when the surplus of Montgomery County is 15,744. Second, additionally, Jefferson County only needs approximately 12,000 people to form an additional district—not the 26,031 people that are situated in Chambers County. In the Kilgarlin case, the

court stated, "should the keeping of county lines intact result in a violation of the supreme court's 'one man, one vote' rule, then the county line must be violated, but only to the extent necessary to carry out the mandates of the supreme court." Again, that number for Jefferson County is 12,100, or actually about 12,073, not 26,031. Also, Section 26 provides that, "when two or more counties are required to make up a ratio representation, such counties shall be contiguous to each other." Now this wasn't followed at all in this plan, because if it had been followed, there would be no way you could put Chambers County with either of Galveston County, Harris County, or Jefferson County that are counties that border. And the simple reason is, is those counties all have populations that are too large to attach to Chambers County, so if the Section 26 would have been followed in this particular provision, you would naturally have had Chambers attached with Liberty and Hardin Counties, and this does not occur.

Last, Section 26 provides that when any one county has more than sufficient population to be entitled to one or more representatives, such representative or representatives shall be apportioned to such county. The working plan for Jefferson County between house District 21 and house District 22 has a disparity of 11,912. This disparity is excessive. Now, here's what my amendment does as I have outlined in how it answers to previous violations that have been delineated:

First what it does is, it takes the surplus in Montgomery County and reduces it below what's the constitutional requirement. Second, in Jefferson County, the population only to the extent necessary to form a district as being required, not beyond. Additional weight is given to the community of interest in selecting an area. Actually, what I have done there is I have followed the undisputed testimony that has occurred in committee and that I have presented you here today on the floor. Third, this amendment removes the large disparity of apportioning of house District 20 and house District 22, reducing the disparity between the two districts from 11,912 to seven. Thus, clearly bringing this area into compliance with the state and U.S. Constitutions, as well as the Voting Rights Act. All the districts affected by this amendment remain within the deviation as required by *White v. Regester* and within the deviations of the working plan that we have in full force today.

Now to talk about the testimony, I also want to include for the record, is the Southeast Texas plan that has the justification in it for this cut. Also, what I want to do is say that this is really just a common sense reading of the constitution. This is something I think any member in this house could pick up and read, and it's very clear that the procedures that you have to follow. And with that, Mr. Speaker, I move adoption.

MR. SPEAKER: Mr. Bosse in opposition.

BOSSE: Mr. Speaker and members, there is one thing that Chairman Jones attempted to guide the committee to do and I think that the committee very hard, attempted very hard to do, and that was to not needlessly pair one member with another. There were several pairs around the county that occurred in situations where you had multi-district counties that lost a district, you obviously had to have a pair. That happened in Harris County, it happened in Bexar County. It happened in situations where, in order to meet population

deviation, and for the minimum number of county cuts, around the county, two members had to be paired and that scheme of attaching counties and parts of counties was reworked innumerable times to come up with a minimum number of pairs around the state, which I feel was accomplished. Unfortunately, one of the pairs that evolved from that was Representative Zbranek living in Chambers County, having to be attached to Jefferson County and being paired with one of the representatives there.

The reason, and I, the reason that we cannot do, and should not do, the amendment that Representative Zbranek is offering is something that probably is as familiar to those in this room, I will bet you that we have probably the 150 premiere county line cut experts in the entire world sitting here in this room, because you've heard it so many times. This will necessitate one additional county cut in the state plan. The case authority under which we have all been working is that the only way you can justify a county cut is for substantially proportionate representation, or under the "one person, one vote." We are able to accomplish "one person, one vote" across the state within 10 percent deviation, with the number of cuts that are in the plan now and one more is not necessary and as a consequence, this puts us over the line that we would be allowed as far as the number of counties to cut. The, and it's just a situation, and it happens several times around the state where the counties couldn't be assembled this way, what was put together was the District 20, still exists about 85 percent of the new District 20, is the existing District 20. It has Liberty County, where Zbranek is the most famous name, probably, of any county in any state in the United States. And also Hardin County, which is currently in that district. What it does not have is the 26,000 residents of Chambers County because it could not be put together without this additional cut. One of the most unfortunate things, probably in any redistricting state, is that you find situations where a Representative Zbranek and a Representative Bosse are on opposite mikes over a deeply personal matter where we have always been at the same mike at the same time through our careers, but in view of that, I unfortunately must move to table the Zbranek amendment.

ZBRANEK: Mr. Speaker?

BOSSE: I withdraw my motion to table.

ZBRANEK: Mr. Speaker?

MR. SPEAKER: Mr. Zbranek.

ZBRANEK: Will the gentleman yield?

MR. SPEAKER: Do you yield, Mr...

BOSSE: I yield.

MR. SPEAKER: Gentleman yields, Mr. Zbranek.

ZBRANEK: Representative Bosse, if the population of Chambers County would have been 48,000, how many people would you have needed to attach to Jefferson County to form a district?

BOSSE: It would have been, and I think, I don't remember how many people we needed to attach to get the maximum deviation district in Jefferson County

off the top of my head, I know that 26,000 made it and I don't know where it fell. Would 48,000 have been too many to make two districts?

ZBRANEK: That is correct.

BOSSE: Okay, then, and I'll concede that. If there were 48,000, then you would have had to go either a different place to find a county within the deviation or have made a county line cut.

ZBRANEK: And, Representative Bosse, would you agree with me that if you follow the Texas Constitution that it may require a cut of a county line?

BOSSE: The county, if you, the state constitution will never require cutting a county line but the "one person, one vote" mandates of the U.S. Constitution, in cases, will override the state constitution and will require cutting of county lines to the extent that the surplus was necessary in order to fill out another district under the deviation.

ZBRANEK: And Representative Bosse, let's take what you just said. If you can reconcile the state constitution with the U.S. Constitution, wouldn't that be a better plan?

BOSSE: We must reconcile the state constitution with the U.S. Constitution, the state constitution, or at least until Ms. Mowery amended it, I think, recently only allowed, like, six or eight representatives in any one given county. But we forgot about that a long time ago when the federal court says that you're going to have to meet the proportionate representation standards.

ZBRANEK: And Representative Bosse, I want to ask you some questions about the constitution. Do you agree with me, the constitution sets out a procedure that you follow in creating districts in the State of Texas?

BOSSE: Yes.

ZBRANEK: And it has, really, what can be broken into four parts in forming districts in the State of Texas, would you agree with me?

BOSSE: I agree with that.

ZBRANEK: The first one provides that whenever a single county has sufficient population to be entitled to a representative, such county SHALL be formed into a separate representative district. Do you understand that as the first step?

BOSSE: That's number one.

ZBRANEK: That's number one. And until we move the deviation now, was there any county in the State of Texas that fit that deviation?

BOSSE: I'm sorry, repeat that question.

ZBRANEK: Until we moved the deviation down, was there any county in the State of Texas that met, or could comply with that?

BOSSE: I'm not certain if there was or not; I don't remember in the process whether any deviation adjustment was necessary. It seems like there may not have been, but I'm not sure.

ZBRANEK: Okay, let's go to step number two. It says when two or more counties require the makeup of ratio representation, such counties SHALL be contiguous to each other. Now, what is your interpretation of that provision?

BOSSE: It's got to touch.

ZBRANEK: It's got to touch? And when you're talking about two or more, you're talking about small counties, is that correct?

BOSSE: It doesn't matter what size county, they've got to touch.

ZBRANEK: Okay. Let's take Jefferson County. Do you know what the population of Jefferson County is?

BOSSE: It is something under 280,000 people.

ZBRANEK: Okay, let's say we add 200 and, actually the number I think is 254,000. Let's say we add 254,000 people to 26,000, does that comply with the ratio representation that is set out and required under step two?

BOSSE: Yes, it does. I'm sorry, does it comply to the...

ZBRANEK: ...to form a district.

BOSSE: To form, it will form two districts. When you put Chambers and Jefferson, it forms two districts.

ZBRANEK: And, of course, here it says, talking about counties, it doesn't talk about dividing counties, does it?

BOSSE: It doesn't talk about what?

ZBRANEK: Does it talk about dividing counties in the second provision?

BOSSE: No, it doesn't, I don't have the four broken down in front of me, but, so I'm having a hard time reciting it by memory, but I'll take your word if it says, I mean, all that one, that one doesn't talk about dividing, that one talks about combining, as I remember.

ZBRANEK: That's right, it talks about combining counties, it doesn't say combining parts of counties, does it?

BOSSE: That one's a uniter, and not a divider.

ZBRANEK: That's a uniter, you're right. So it's talking about uniting full counties and there's no way to unite, at least if you're trying to follow the steps in the constitution, there is no way to combine Chambers County with Jefferson County and form a district, is there?

BOSSE: No, you must form two districts.

ZBRANEK: That's right, and what we're talking about here under Provision 1, the second provision here, is you have to form one. You understand that?

BOSSE: I understand that.

ZBRANEK: Okay, now let's take Galveston County. Do you know the population of Galveston County?

BOSSE: It's something less than 280,000.

ZBRANEK: That's right. And if you form the same question again, Representative Bosse, if you add Galveston County to Chambers County, is that too much to form a district?

BOSSE: If you added Galveston to Chambers, it would form two districts.

ZBRANEK: Also, I want to ask you, Representative Bosse, that doesn't it make sense that you combine Chambers, Liberty and Hardin County when doing Step 2?

BOSSE: I'm sorry, would it comply with Step 2 to do those three?

ZBRANEK: That's right.

BOSSE: Yes, if you didn't take any other, anything else into consideration, you could combine those three and have a single district within deviation.

ZBRANEK: And let's go over this last provision in the constitution. It sets out that for any surplus of population, it may be joined in a representative's district with any other contiguous county or counties. Do you understand that?

BOSSE: Yes, I do.

ZBRANEK: Now...

MR. SPEAKER: Point of order has been raised that the gentleman's time has expired; point of order is well-taken and sustained. Mr. Bosse moves to table. Mr. Zbranek to close.

ZBRANEK: Mr. Speaker, members, the other map I have out here shows you, geographically, what's going on, and really the reason I have this map is, it shows why combining Galveston County with Chambers County is not an option, because when you talk about the "one man, one vote" rule, I think you're naturally assuming somebody can actually navigate their district without having to change forms of transportation too much. And unfortunately, with the combination of Chambers County and Galveston County, you would have a situation where you would probably not see your representative for quite awhile.

Now to address the issues back to what I was pointing out: Montgomery County has a surplus of 15,744. The current amendment that went on, while it lowered the number, it still exceeds that surplus. And this is no different than what happened in one of the other Supreme Court cases where they took Nueces County and they took, what should have been, the representative for that district and they split that district up totally between two other districts, and didn't give it its representative. My argument is no less the same and if you make, read the constitution, it clearly requires that. The bottom line is, to comply with the constitution, to comply with the Texas Constitution and the current case laws set out in Kilgarlin, Smith and Clements, you have to have a cut in Hardin County. Now the fact is, is when this computer generated this model, it actually put that cut right where I thought it had to be, and that was in Hardin County. Now it's been moved; however, the reason why it has to be there hasn't been changed. So with that, I'd ask that we adopt or, actually, vote against the motion to table and help keep the commonality of the community of my district together. Thank you.

MR. SPEAKER: Question is on the motion to table, all those in favor say aye, opposed, no. Division vote. Mr. Zbranek has requested a record vote, all those in favor vote aye, opposed, vote no. Motion to table. Clerk will ring the bell. Show Mr. Jones voting aye. Have all voted? Have all voted? There being 87 ayes and 60 nays, motion to table prevails. Following amendment, the clerk to read the amendment. Amendment number 1094.

READING CLERK: Amendment by Seaman. (Amendment No. 9)

MR. SPEAKER: Chair recognizes Mr. Seaman.

SEAMAN: Mr. Speaker, I brought my life preserver; it's not color-coordinated like the other one, but I brought this one along because I don't know if they're going to solve my problem or not, but I want to bring as a matter of record that District 32, as presented there with those counties, is almost exactly the same as it was presented Wednesday, the 25th of April, to the redistricting committee, as a composite of South Texas submitted by Representative Luna on the committee. In that no one was paired in all of South Texas, it honored the communities of interest, there was no regression, it was compact, it was contiguous, and it was legal. Let me mention some of the people it affects, I'll do last names only to save time: Luna, Capelo, Hawley, Salinas, Seaman, Rangel, Raymond, King, Flores, Hinojosa, Gutierrez, Wise, Solis, Oliveira. Eleven of those are safe Hispanic districts. All right? Thank you.

Members, I want to visit a little bit about Texas, South Texas that this deals with. I have lived in South Texas for over 40 years, have business offices all over the Valley, all over South Texas from Port Lavaca to Mission, to Edcouch to Laredo—the entire Brownsville, you bet, the entire South Texas area. I know the area, and I also have been county chairman in the '80s and the '90s when redistricting took place, and it was always, this redistricting started in the east of Texas and came down, on the west of Texas and came down, the metropolitan areas were treated first, and South Texas, René, got leftovers. And it always was that way for our friends in South Texas. And I speak for South Texas because I've lived there for 40 years and really have an empathy for that area. The same thing happens constantly, is that we get leftovers—whether it's transportation money, or whatever the issue is, border issues or NAFTA, you name it. We protect our community of interest in this plan. For the record, I really want to show that the district of, District 32 has shown up in the committee plan and I would like that as a matter of record. Now, my plan does not give the best plan, South Texans, my plan does not give what Marchant's 1108 and 1109 does, which is two open Hispanic districts, and that's what ought to happen, and so because of that, I realize I'm still up a creek without a paddle or, Solis, maybe it's up the *arroyo* without a paddle, so I'll put this back on and ask you, Mr. Speaker, to withdraw, Mr. Speaker? Mr. Speaker is engaged. I put this on, Mr. Speaker, because, obviously, I'm still up a creek without a paddle, or up the *arroyo* without a paddle, so I withdraw my amendment.

MR. SPEAKER: The amendment is withdrawn. And Mr. Seaman withdraws plan 1126. Following amendment, number 1092. Clerk to read the amendment.

READING CLERK: Amendment by Jones of Bexar. (Amendment No. 10)

MR. SPEAKER: Chair recognizes Ms. Jones to explain her amendment.

E. JONES: Thank you, Mr. Speaker. I'd like to lay out an amendment to the amendment that I have filed, which I will be speaking on today.

MR. SPEAKER: It'll take a little bit, Ms. [E.] Jones, to get, so everybody can have it to look at it. Chair recognizes Mr. [D.] Jones for a comment while we're waiting on Ms., Mr. [D.] Jones for a comment while Ms. [E.] Jones's amendment to the amendment is prepared.

D. JONES: Thanks. Mr. Speaker, there's no relationship other than house member associates here, but for the audience up on the third floor, I would like to point out that it, sometimes up there, I'm sure, it looks rather boring to see what's happening here, but in order to properly give every person an opportunity to represent their district, we need to have some pauses like we have here when someone is having drafted an amendment to an amendment so that it can be properly considered. And this process sometimes looks tiring to you up there, it frequently feels tiring to us down here, but it's an essential part of the process of great government that we have in Texas, so please bear with us as we move around rather slowly sometimes.

MR. SPEAKER: The following amendment to the amendment, number 1077, the clerk will read the amendment.

READING CLERK: Amendment to the amendment by Jones of Bexar. (Amendment No. 11)

MR. SPEAKER: Chair recognizes Ms. Jones of Bexar.

E. JONES: Thank you, Mr. Speaker and members. Members, I really need your attention on this matter. It may seem very small and trivial to you, and it should, because it has absolutely nothing, nothing to do with anyone's district except for Representative Frank Corte, Representative Mike Villarreal, and myself. So because it has nothing to do with your district, I hope that you will allow me these few minutes and pay even closer attention to it. We've all been listening to each other, to members up here talk about their communities of interest. I have a community of interest and, I must say, that this amendment is not acceptable to the author. In this redistricting plan, a city which is currently in my district is placed in another district, a district in which Representative Villarreal and Representative Corte are paired. The city to which I refer is Olmos Park, it's a small municipality and my amendment simply puts Olmos Park back within my district boundaries, in exchange for a few precincts on the northern side of my proposed plan.

I would like to focus on these communities of interest for a minute, if I may. Currently in my district, among many other municipalities, I have about a total of eight, parts of them are in my district and others, but there are three that are very close to each other: Alamo Heights, Terrell Hills and Olmos Park. These three cities rely on each other, and work with each other, are a part of each other. Their citizens socialize with each other, they go to church together, they jog, walk, run, exercise together, they, the ladies and the gentlemen participate in many city events. If any three cities in the State of Texas ever fit the definition of a community of interest, it is these three cities. They should

not be separated. We've been talking about keeping communities of interest together, Representative Gray just had an amendment passed that did just that. Olmos Park has a letter of mutual aid with Alamo Heights, Terrell Hills police department. Olmos Park has a letter of mutual aid with Alamo Heights, Terrell Hills police department. They have purchased fire equipment so that they are interchangeable, in the event they cover for each other and help each other out in an emergency situation. All of their equipment, their investment has, is interchangeable with each other. The hoses and the fire pumps are designed to rely on each other. They have a letter of mutual aid with the EMS; the city of Alamo Heights takes care of emergency service calls after hours for both the cities of Terrell Hills and Olmos Park. Along with other things, these three cities are surrounded by the city of San Antonio and have come to rely on each other for many things and have many of the same mutual interests. For instance, when city public service gave a rebate to their customers, they did not rebate the customers in these municipalities. These voters in Olmos Park are being disenfranchised by being taken out of their community of interest and put into District 123. And I would hope that all of you all will think about this very, very carefully and be very mindful because I am going to ask for a record vote. This is very important to me. I have never come up to the mike, I have never asked for anything from the membership, but keeping the citizens of Olmos Park intact with their sister cities is of utmost importance. I have here pages and pages and pages of petitions signed by the citizens of Olmos Park that include their mayor and many of their city council people and if I had had longer, I would have many more pages of petition. This is no laughing matter, as trivial as it may seem, it is very, very important to District 121.

REPRESENTATIVE MORRISON: Mr. Speaker?

MR. SPEAKER: Ms. Morrison.

MORRISON: Will the lady yield?

MR. SPEAKER: Do you yield Ms. Morrison, to Ms. Morrison, Ms. Jones?

E. JONES: Yes, I will.

MR. SPEAKER: The lady yields, Ms. Morrison.

MORRISON: Ms. Jones, in hearing your testimony, I see, and can you tell me that if you splinter Olmos Park from Terrell Hills and Alamo Heights, is this really separating the communities of interest?

E. JONES: Absolutely. As I have said before, these cities are all within the Alamo Heights School District. This is a very unique school district in Bexar County; they have some unique school funding issues that are looming on the horizon. They are very close, not only physically, but emotionally, demographically, economically, and they insist that they are all one together, one body, three sister cities that want to remain in the same district, regardless of who their representative is.

BONNEN: Mr. Speaker?

MR. SPEAKER: Mr. Bonnen.

BONNEN: Will the lady yield for a couple of questions?

E. JONES: Yes, I will.

MR. SPEAKER: Lady yields, Mr. Bonnen.

BONNEN: Thank you. Are there any inter-local agreements between any of these communities that are being divided into separate legislative districts?

E. JONES: Yes, absolutely. Olmos Park has ETJ agreements with Alamo Heights and, again, as I say, they have letters of mutual aid with police departments that cover for each other and, in fact, when a fire department is called on the scene from Alamo Heights, the city of Olmos Park sends a truck and manpower to the city of Alamo Heights fire department to cover for the absence of their own fire truck. So they literally drive, Olmos Park drives one of their fire trucks to the city of Alamo Heights, they park it in their garage and await the return of the Alamo Heights fire truck when it is through doing its duty. This is an arrangement that they have, it has worked very well for them, and I'm not sure, but I can't imagine that there are many municipalities that have similar arrangements than this, there are probably a handful across the state.

BONNEN: Representative Jones, also let me ask you, if your amendment does not go on, this isn't an issue for you of whether you can be re-elected or not, is it?

E. JONES: No, it is absolutely not an issue for me and, in fact, thank you for asking that, Representative Bonnen. This really has no bearing either on Representative Villarreal or Representative Corte's chances for any kind of reelection in their district. Whether one is a Republican or a Democrat, this changes the statistics for Mr. Villarreal by a bare minimum. I think the Hispanic-ness of the district is diluted by point nine tenths of one percent, and I would be happy to work with him in any way that I can, I suspect that he can find point nine tenths of a percent somewhere along the rest of his boundaries to put back in, that somebody else can afford to lose. I might also add, Representative Bonnen, that it enhances his numbers, actually, and Mr. Corte's numbers. The district deviation goes up. He has a plus deviation, which right now that district is low-growth, it is much better for the population, it affects him, I think, the deviation because, becomes plus one point something percent. It really enhances that district as well and I would certainly be willing, and I suspect there are other members of the delegation who would be willing, to pitch in point two tenths of a percent from their district so that those numbers are absolutely equal. It was not my intent to dilute at all, in any fashion, his statistics. I'd love to keep them the same. I went ahead and took Olmos Park as a whole in this case because he had a problem with the fact that Olmos Park had a corner that was fractured supposedly, quote, unquote, fractured off from the other and, quite frankly, yes, I think it's, since it's such a minor part, small amount of people, let's go ahead and put those people in that corner of Olmos Park who live by Olmos Park Pharmacy where they go to get their milkshake, let's go on and put them in my district.

BONNEN: Representative Jones, to be very clear, is this an issue that you decided to do on your own behalf, or did the people from these communities make phone calls and request to you saying that they would like to have their

community of interest protected and, is this where this came from, or is this just something that you're doing with no feedback from the people in these communities?

E. JONES: Thank you, Representative. I would like you all to know that I made two phone calls. And from those two phone calls, these petitions evolved. And there have been many more phone calls made, I know, to Chairman Jones and other members of the Bexar delegation, members of [the] redistricting committee, that are not manifested in this petition. There are other names, in fact, of people who have called and it was all a grassroots, pure grassroots effort of people, Republicans and liberal Democrats, who know that District 121, or that Olmos Park, should be kept intact with its sister cities as was done a few years back when they were put all together because they were, in fact, a community of interest. And this is an issue...

MR. SPEAKER: Point of order has raised, been raised, that the lady's time has expired. Point of order well-taken and sustained.

E. JONES: I move passage, Mr. Speaker.

MR. SPEAKER: Mr. Puente in opposition.

PUENTE: Mr. Speaker, members, when you say, under redistricting, that you just want to make this one little change, this one little change of a line, as you know, it has a domino effect. It affects everybody's district. If it affects Mike Villarreal's district, then it's going to affect Frank Corte's district, and then you go on down the line so it affects the whole Bexar County plan. The Bexar County plan has been submitted to you, and we think this is the best for our community, the best for the entire community in Bexar County.

Now to talk about some specific points that Representative Jones talked about. One is about communities of interest, well, we all want communities of interest. Right now, she and I represent the smaller city of Converse; there's been no talk to you about trying to put Converse into one district. She also talked to you about the Alamo Heights School District. Well, the Alamo Heights School District right now [inaudible] 1991, that redistricting Olmos Park was wholly in, entirely in, Mike Villarreal's district, at the time represented by Matt Garcia. So, it's not just a question of communities of interest, it's a question of an entire big community, the community of Bexar County, and the community of San Antonio, and the smallest suburban cities that surround it. So members, I ask you to stay with the plan to understand that Bexar County is doing what it can to represent all of its constituents by all of our members, we are in a situation where we have to go down from 11 to 10 and somebody has to pay the price. Everyone's district has to change within Bexar County, there are some communities of interest in my district that I'm losing, and others that I'm gaining, so I look forward to representing all of them. Members, I ask you to vote yes on a motion to table.

REPRESENTATIVE A. REYNA: Mr. Speaker?

MR. SPEAKER: Mr. Reyna.

A. REYNA: Will the gentleman withdraw his motion to table so I can ask some questions?

MR. SPEAKER: Do you withdraw your motion to table?

PUENTE: Yes.

MR. SPEAKER: Gentleman withdraws his motion to table and yields, Mr. Reyna.

A. REYNA: Thank you, Mr. Speaker. Robert, is it true that the part of Alamo Heights School District that is not included in Elizabeth's new district, is that the part that has the majority Hispanic population?

PUENTE: Yes.

A. REYNA: Okay, thank you, Mr. Puente.

E. JONES: Mr. Speaker? Will the gentleman yield?

MR. SPEAKER: Do you yield?

PUENTE: I yield.

MR. SPEAKER: Gentleman yields.

E. JONES: Representative Puente, Robert, do you know the percentage of Olmos Park that is in the district that, of Representative Villarreal's right now? Do you have, do you know how big that percent of the city of Olmos Park is?

PUENTE: When you say right now, are you talking about the...

E. JONES: Currently, currently. He has...

PUENTE: I'm sure you'll tell me.

E. JONES: He has approximately one tenth of the district, if that much, is in his district now. So the majority of the city is now in my district.

PUENTE: I don't doubt that it's in your district, Representative Jones.

E. JONES: And you know that I also represent the city of San Antonio, and those San Antonians who are in the Olmos, Alamo Heights School District, that political subdivision right now.

PUENTE: I don't doubt that either.

E. JONES: Yes, and so, you maintain that this community of interest should, the majority of my community of interest, should, in fact, follow the small part that is now in Mike Villarreal's and that that, that is a foundation enough to move the entire city out of District 121 and separate it from its sister cities?

PUENTE: My point is that communities of interest, first of all, are subject to a lot of different interpretation. We can unify anyone, any geographic area, any other entity by just saying communities of interest, we can say communities of interest being people from Bexar County, communities of interest being Hispanics or blacks or Anglo-Americans, communities of interest being people from a particular school district, communities of interest being people from, geographically, the same area. So communities of interest do not, and should not, take precedence over what we have to do, is follow the Voting Rights Act, and I think that's what we're doing within Bexar County, is following the

Voting Right, the Voting Rights Act. And your change to this bill, to this **HB 150**, will change as such to where we will have Voting Rights problems because even if you talk about that point nine percent you talked about, that's enough of a fundamental change where it could cause a domino effect and affect everybody else's district and then we probably would not pass constitutional muster.

E. JONES: Would you consider letting me, I will, we will file an amendment to my amendment to my amendment to take, to alleviate the point nine tenths of a percent difference? And I might add, that I believe that Representative Villarreal had, was contemplating this before he knew about the Voting Rights Act. But, that being...

PUENTE: Well, he's shaking his head no right there, so I kind of have to...

E. JONES: ...that being said, I would be interested to know if other communities of interest across the state have the close network in affiliation with each other as these do and if that matters...

PUENTE: If you talk about...

E. JONES: to you...

PUENTE: It matters a lot to me. If you talk about these three little cities, they are a part of San Antonio like every other little city is a part of San Antonio. I'm sure all the residents there work within the city of San Antonio, they shop at the San Antonio malls, they have family and friends within San Antonio, it, you cannot isolate those three little cities and call them a world of its own. Yes, they're very different, they're very, very affluent, they're the, probably the richest part of San Antonio, it's old, old money, but they interact so much with San Antonio and the downtown establishment that you cannot consider them an island unto themselves.

E. JONES: So then, am I to assume that you are refuting what all of these people have written, including the elected officials of that city, the mayor, and the voters at that voting booth? The petitions is what they say, does it have no bearing to you? Do you not take that into consideration, what grassroots voters care and want? Is that what you are saying?

PUENTE: I take that in consideration, but not paramount...

E. JONES: Thank you.

PUENTE: ...to the Voting Rights Act, and not paramount to what we're trying to do, which is to pass a plan that will pass constitutional muster. Just because these people in these three little cities want to stay together under one representative, doesn't mean we should do it. We have to think of it, of the whole community as a whole. Bexar County is one big community and it was shown by our last election where you voted a Hispanic mayor with over, with almost 60 percent of the vote.

VILLARREAL: Mr. Speaker?

MR. SPEAKER: Mr. Villarreal.

VILLARREAL: Will the gentleman yield?

MR. SPEAKER: Gentleman yields.

PUENTE: I yield.

VILLARREAL: Is it true that this change will impact the entire Bexar County plan?

PUENTE: As everyone knows here, once you start messing with one line, it's a domino effect all the way around.

VILLARREAL: And isn't it true that Olmos Park has historically been in the district of 115? Has it ever, since we went to single-member districts...

PUENTE: It was represented by Leticia Van de Putte, represented by Orlando Garcia, and represented by Matt Garcia, all Hispanics.

VILLARREAL: And isn't it true that Olmos Park is naturally divided from the other two cities by a major highway and a huge dam?

PUENTE: Olmos Dam and Highway 281—it's a major highway and yes, so there's natural boundaries already there that justify this line.

VILLARREAL: And isn't it true that Olmos Park is similar to the old neighborhoods of District 115, like Monte Vista,...

PUENTE: Exactly.

VILLARREAL: ...Alta Vista,...

PUENTE: Exactly.

VILLARREAL: ...Beacon Hill; they're older neighborhoods, they're very established neighborhoods, that part of Olmos Park probably has a whole lot more in common with Monte Vista, that you currently represent. Which, and aren't the rest of those neighborhoods that I've outlined a part of District 115 and they always have been?

PUENTE: Represented, again, by Van de Putte, Garcia, and Garcia.

VILLARREAL: Thank you.

PUENTE: Mr. Speaker, members, I move to table this amendment.

MR. SPEAKER: Chair recognizes Ms. Jones.

E. JONES: Members, thank you. I think I've made my point regarding this very, very special, unique community of interest and three sisters who would like to stay together for the benefit of their children, who are children of the Alamo Heights School District, and their common concerns. So I hope that you all will vote for the children as we have voted for the children in the days previous to this. Consider the Alamo Heights School District and their students, and please vote for my amendment. Thank you members, I close. Thank you, Mr. Speaker.

MR. SPEAKER: Ms. Jones has up an amendment; Mr. Puente moves table. Question on motion to table. All those in favor vote aye, opposed, vote no. We have a request for a record vote, all those in favor vote aye, opposed, vote no. Clerk will ring the bell. Have all members voted? Have all voted? There being 76 ayes, 72 nays, motion to table prevails. Question occurs on the...

REPRESENTATIVE CRADDICK: Mr. Speaker? Could we, do we have verification of that vote, please?

MR. SPEAKER: Verification's been requested. Verification granted. Members, if you'll take your seats. Members, if you'll take your seats, the clerk will proceed verifying those voting aye.

READING CLERK: Bailey, Bosse, Burnam, Capelo, Chavez, Coleman, Cook, Counts, Danburg, Davis of Dallas, Deshotel, Dukes, Dunnam, Dutton, Edwards, Ehrhardt, Eiland, Ellis, Farabee, Farrar, Flores, Gallego, Garcia, Giddings, Glaze, Gray, Gutierrez, Hawley, Hinojosa, Hochberg, Hodge, Homer, Hopson, Jones of Lubbock, Jones of Dallas, Junell, King of Uvalde, Kitchen, Lewis of Tarrant, Lewis of Orange, Longoria, Luna, Martinez Fischer, Maxey, McClendon, McReynolds, Menendez, Moreno of Harris, Moreno of El Paso, Naishtat, Najera, Noriega, Oliveira, Olivo, Pickett, Puente, Ramsay, Rangel, Raymond, Reyna of Bexar, Moreno of Harris, no, no, no, Ritter, Sadler, Salinas, Solis, Telford, Thompson, Tillery, Turner of Coleman, Turner of Harris, Uher, Uresti, Villarreal, Wilson, Wise, Wolens, Yarbrough.

MR. SPEAKER: Chair will verify those voting no.

READING CLERK: Alexander, Allen, Averitt, Berman, Bonnen, Brimer, Brown of Kaufman, Brown of Brazos, Callegari, Carter, Chisum, Christian, Clark, Corte, Crabb, Craddick, Crownover, Davis of Harris, Delisi, Denny, Driver, Elkins, George, Geren, Goodman, Goolsby, Green, Grusendorf, Haggerty, Hamric, Hardcastle, Hartnett, Heflin, Hilbert...Hilbert?

MR. SPEAKER: Mr. Hilbert on the floor of the house? Strike his name temporarily.

READING CLERK: Hilderbran, Hill, Hope, Howard, Hunter, Hupp, Isett, Janek, Jones of Bexar, Keel, Keffer, King of Parker, Kolkhorst, Krusee, Kuempel, Madden, Marchant, McCall, Miller, Morrison, Mowery, Nixon, Pitts, Reyna of Dallas, Seaman, Shields, Smith, Smithee, Solomons, Swinford, Talton, Truitt, Walker, West, Williams, Wohlgemuth, Woolley, Zbraneck.

MR. SPEAKER: Mr. Hilbert on the floor of the house? Mr. Hilbert on the floor of the house? Strike his name. There being 76 ayes, 71 nays, the motion to table prevails. [Excuse] Mr. Hilbert because of illness, on motion of Mr. Uher. Is there objection? Chair hears none, so ordered.

Question now occurs on the amendment, as amended. Anyone wish to speak? The amendment, anyone wish to speak for or against? Ms. Jones? The amendment is withdrawn.

Following amendment, the clerk will read the amendment, 1065.

READING CLERK: Amendment by Corte. (Amendment No. 12)

MR. SPEAKER: Chair recognizes Mr. Corte to explain his amendment.

REPRESENTATIVE CORTE: Mr. Speaker, members, you got to hear a little bit about communities of interest today, you got to hear about "one man, one vote." But, you know, I know the redistricting committee got to hear some testimony from one of my constituents and, Mr. Jones, I had the distinct

pleasure of having Bill Owens as a constituent and, you know, when I was listening to the testimony that Mr. Owens gave to the redistricting committee, I realized that, you know, this is a perspective that just an average citizen has. He's not elected, he really doesn't consider himself a Republican, he doesn't really consider himself a Democrat, but he's been involved in redistricting, believe it or not, as a hobby. He's a very smart man, actually, but there's something that he has contributed to this process and I would like to share it with you today.

It's the four equities of fair redistricting. The first one being population equity, "one man, one vote." And we heard something about that today. Districts are equal in population, as most possibly practical. The second equity of fair redistricting should be communities of equity. Now, we heard a lot about that today. In fact, you just heard about Olmos Park but this also, jeez, this also, on communities of equity, relates to district shape being contiguous and compact, and district borders and use of existing historical boundaries, the use of natural boundaries. Communities of interest, districts, should be grouped with people of common interests, economic and social interest, geographic regions, districts should be represent[ative of] the diversity of Texas. I think we heard a lot about that today, too. The third tenet of equity of fair redistricting is racial and ethnic equity; of course, following the guidance of the Voting Rights Act. And we have heard a lot about that today, too. And the fourth and last of fair redistricting, the equities of fair redistricting, is political equity—a plan balanced fairly between little groups in ideology.

Members, I present today to you an amendment that tries to do a better job than what **HB 150** does in accomplishing the four equities of fair redistricting. The spirit of "one man, one vote" policy is seriously violated by **HB 150**. It draws District 122, which is currently John Shields' district, and if you look at the map, if you have a chance, come up here and look at it, it draws it entirely across north Bexar County. They even draw it to a three point nine percent above the deviation. Of course, you know, out of the 11 districts in Bexar County, only two were over the population ideal size and that was mine and John Shields'. This is the second-fastest growing area in Bexar County, is also down in the western part of Bexar County. The bill then draws the slowest-growing districts, which is the inner city, well under the population deviation, and I'll submit to you, members, that having lived in San Antonio almost all my life, that the inner city will probably continue to see some depopulation. In fact, in the Kirkpatrick case, it clearly recognizes the need to try to take into account future growth in an area. And this should be taken into account, and I do that with my amendment. Given the availability, available precincts in the respective populations, we should be able to keep deviations to a minimum. In fact, this plan keeps all the districts within a little less than two percent deviation, above or below the ideal size.

My amendment draws north Bexar County into two districts. Preserving the core of the current districts as suggested in case law under Karcher, under the Karcher case, and others. Two districts in north Bexar County are drawn under deviation number to give them room to grow. For example, in District 124, which is currently Mr. Menendez's district, this is the third-fastest growing area in Bexar County. My district reflects the potential in growth. I know this because my business office is out here, this is where they're building

houses, they plan to build many more out in this area, and I will tell you that this district will grow fast in the next five years in Bexar County.

Communities of interest—**HB 150** splits all sorts of communities of interest and we heard about one just a while ago. But actually what I'm wanting to present to you today [is] that **HB 150** actually splits seven small municipalities within Bexar County. My amendment doesn't split, not one. In fact, the redistricting committee heard testimony from Castle Hills. And they said, we want only one representative because when we want to come to the legislature and we want to address issues, we want to come to one rep[resentative]. And I think that's the voice of the people asking for us to do something that's prudent. Also, other communities of interest that are split in the house bill is the school districts. The Northside has been split, the large, the third-largest district in the state, has been split into five separate house seats. Five separate house seats. Now, you know, you might say, well, that sounds fair, but you know, one of the smallest school districts is also split almost three ways. And there's a reason why. We'll talk about that in a minute. My plan keeps all these communities of interest together, except for Converse. And the reason that is, is because we had to get to the "one man, one vote," so I realize that there is a big dilemma in the redistricting situation of trying to meet the goals of fair redistricting.

Another item that **HB 150** does in Bexar County is, it violates compactness. I'll let the numbers speak for themselves. If you get a chance to look at the numbers that are there on the computer in, the RedAppl statistics show that eight of 10 of the districts in my plan are more compact than **HB 150**. And how you determine that is by the little compactness number it gives it. And that's based on a circle and a square and some other mathematical things that probably we don't want to talk about here, but the matter is, is it's more compact and this is something that is important for redistricting. The Supreme Court has made it clear in recommending that compactness is a value that should be respected and used wherever possible. Sounds like good guidance to me.

And then, the other equity that we talked about a while ago was racial equity and having a proportion of opportunity to elect representatives of their own choice, minorities doing that. My plan draws seven, SEVEN minority districts, which is the same percentage of minority seats that exist today. My plan is fair, and I took painstaking efforts to insure that Bexar County does not regress. **HB 150** does not do justice for the voting that has occurred in Bexar County.

REPRESENTATIVE MARTINEZ FISCHER: Mr. Speaker?

MR. SPEAKER: Mr. Martinez Fischer.

MARTINEZ FISCHER: Will the gentleman yield?

CORTE: Mr. Speaker, I'll be glad to yield in a few minutes as soon as I finish my remarks and I'll be glad to yield to my distinguished colleague from Bexar County.

MR. SPEAKER: By the time he finishes his remarks, if he has any time left, he might yield.

MARTINEZ FISCHER: Thank you.

CORTE: Members, what I think is important is that we come here to this process, and especially this redistricting process, and present the best possible plan that we can for the voters in our area. Members, I'm not here for myself and I'm not here for my colleagues, I'm not here for my party, I'm here for the voters in Bexar County. And I know that being only three Republicans out of eight Democrats in Bexar County that I would probably have the rest of my colleagues standing up here and opposing me on this matter, but I knew that it would not, it would be a matter of such importance, that this should not be overlooked, and brought to you to understand that this plan fits more of the guidance that's been given to us by the Justice Department. And at this time, Mr. Speaker I'll be glad to yield.

MR. SPEAKER: Gentleman yields.

MARTINEZ FISCHER: Thank you, Mr. Speaker. Representative Corte, just so I'm clear, I'd like to go over your four equities again and, that's number one being communities of interest...

CORTE: Population equity is number one.

MARTINEZ FISCHER: And the second tenet is the "one man, one vote" and your third tenet was racial and ethnic equity, and your last tenet was political equity, is that right?

CORTE: That's correct.

MARTINEZ FISCHER: So you are someone who respects communities of interest?

CORTE: That's correct.

MARTINEZ FISCHER: And you believe that we should preserve communities of interest?

CORTE: That's correct.

MARTINEZ FISCHER: Would you please tell this body why you split a community of interest that you currently represent? Because under your proposed plan...

CORTE: Which one are you talking about, Mr...

MARTINEZ FISCHER: I'm talking about Precinct 3009 and Precinct 3015, which is Oak Hills under the current plan you have...

CORTE: Oak Hills is not a city.

MARTINEZ FISCHER: Oak Hills Neighborhood Association is a community of interest.

CORTE: Well, and I don't dispute that, but the point I'm making is, is I have kept municipalities that are, we give powers by law, as a community of interest. There's other communities of interest out there, I don't dispute that.

MARTINEZ FISCHER: So do you say it's okay to separate a community of interest like Oak Hills?

CORTE: I will tell you that I represent a part of Oak Hills now...

MARTINEZ FISCHER: You represent all of Oak Hills right now.

CORTE: Well, that's right, and I think that a lot of the folks really have different issues across Callahan, so I don't see it the same as, maybe, Castle Hills as a general law city, but I don't dispute with you that it's a community of interest.

MARTINEZ FISCHER: Well, let me talk about my community of interest, because when I saw your map on Saturday, I was fortunate enough to have an opportunity to visit with members of the Jefferson Neighborhood Association, do you know who they are?

CORTE: I have met with them before, in fact, I met with them almost three years ago when they were talking about the, dividing up the Jefferson High School...

MARTINEZ FISCHER: Do you know who the Woodlawn Lake Community Association is?

CORTE: Yes, I do.

MARTINEZ FISCHER: Do you know under this plan that I, under the plan we're in right now, I represent all members of both of those neighborhood associations?

CORTE: If you say so, that's fine.

MARTINEZ FISCHER: Under your amendment, you're going to take an entire neighborhood and pair them up with another district that goes as, goes all the way from the heart of the inner city and takes them all away to 1604...

CORTE: And you know, you make a great point because, you know, the most difficult part about drawing this amendment is that most of the population that was lost to get to the ideal size is in your district and Mr. Villarreal's district. And it is very difficult to draw the lines to gain population without doing that, so I'm glad you brought that up. Because there are some viol, not necessarily violations, but things that we have to do in redistricting that helps, that gets us to what we need to do to make these districts the same size in population. And unfortunately, I had to do that to get you to the ideal size.

MARTINEZ FISCHER: I appreciate that, I recognize I had some population to make up, but I had no problem working with members of my delegation to find ways to make up for that population but on that note, Representative Corte, I wanted to tell you that members, the president of both the Woodlawn Lake and Jefferson Neighborhood Associations, have expressed to me their difficulties in trying to work with multiple representatives for that district, and I will only tell you that neighborhoods at 1604 and the county line do not care about Woodlawn Lake and it will be very difficult for a representative from that district to provide them with the state assistance that they need.

CORTE: Yup, let me ask you a question, then, now that you brought that up...

MARTINEZ FISCHER: Well, you're going to have to come back here to ask questions, Representative Frank.

CORTE: Okay, well, I will tell you that I think that you have a very valid point, but you know, if you look at the current lines, you have the same problem with the lines in **HB 150**. Under the current lines, you have a district that does the same thing. You have the current lines that stretch as far north and south as the one that I, in fact...

MARTINEZ FISCHER: I do believe that...

CORTE: ...the RedAppl shows, RedAppl shows that my lines are more compact than what's in the plan.

MARTINEZ FISCHER: Well, if I'm not mistaken, my district is that small pink district in the middle and it's the smallest district on the map. And so, but my question to you, Representative is that...

CORTE: In fact, it is the smallest and it has less turns and curves, and that makes it more compact.

MARTINEZ FISCHER: Now, I want to talk about your second and third tenet[s], which talked about "one man, one vote," and racial and ethnic equity. Would you tell me, I assume you feel those are very, very important, don't you?

CORTE: I would say yes, sir.

MARTINEZ FISCHER: And under your proposed amendment, you have, I believe, six minority, I'm sorry, you have five minority districts that have over 70 percent black and Hispanic voting-age population, is that right?

CORTE: I think that's correct.

MARTINEZ FISCHER: And then you have one district that has just right at 50 percent minority, voting-age population, is that right?

CORTE: Well, let's look at the...

MR. SPEAKER: [Point of] order has been raised that the gentleman's time has expired. Point of order is well-taken and sustained. Mr. Puente in opposition.

PUENTE: Mr. Speaker, members, Bexar County is about 60 percent minority. There's no way around it. No way around it. What you do in Bexar County, you have to take into consideration that 60 percent number. It's like trying to draw a non-minority district in Webb County, in Laredo, the city with the highest percentage of Hispanics in the United States. You just can't do it in Bexar County. What Mr. Corte said was that his plan draws seven minority districts. Well, right now there's already eight minority districts. He's going down one. You know what that does? That gets you into court. Immediately, it gets you into court. It's a violation of the Voting Rights Act. You have to abide by the principles of the Voting Rights Act and of case law, and that says that you cannot have retrogression. This plan has retrogression. And not only with that loss of that one from eight to seven, also the other districts, you could argue, make an argument that they are also losing representation because the percentage of the numbers goes down so much that you could very easily lose that right to elect a member of another minority to represent you. So people,

you have to look at this into the big picture to see what it does. Mr. Corte also talked about school districts, about Northside, the third-largest school district in the state. Well, you know Northside is not even wholly within Bexar County, they already are growing so much that they're outside of Bexar County, so they're represented by another individual entirely out of the Bexar County delegation. In Bexar County there are 17 school districts, 17 school districts, so naturally the math doesn't add up—you can't have one school district for one member of the delegation, you have to cut them up. I and Carlos Uresti represent Harlandale, so we both understand that we can do it jointly, that we can do it with communication, that the Harlandale School District will be better represented by having two voices up here. I and Elizabeth, excuse me, and Ruth Jones McClendon represent East Central and, again, they can be better represented by having two voices up here. And this goes throughout the county. You can also take Bexar County and show it in relationship to Tarrant County, we are roughly the same size, (about 1.4 million), they have 10 representatives, we have 10 representatives, they have an 8-2 Republican, Democrat split, ours is the other way around, and that's just the demographics that is in Bexar County. So members, I ask you to look closely at what this amendment does, this will bust the plan.

A. REYNA: Mr. Speaker?

MR. SPEAKER: Mr. Reyna.

A. REYNA: Will the gentleman yield for questions?

MR. SPEAKER: Gentleman yields, Mr. Reyna.

A. REYNA: Robert, did, did Frank tell you that the Hispanic population in District 125 and my district drops 11.4 percent...

PUENTE: Yes.

A. REYNA: ...under his amendment?

PUENTE: Well, he didn't tell me that, but it does do that.

A. REYNA: Did he tell you that it drops the Hispanic voting-age population by 11.6 percent?

PUENTE: Well, the reason he probably didn't tell me that is because it would bust the plan.

A. REYNA: And did he tell you that he moves almost 33,000 Hispanic constituents from District 125?

PUENTE: I'm sorry, Art, to tell you, he never told me that, either.

A. REYNA: So, is it logical then that, that the few Hispanics that are left behind, who make barely 50 point something percent of the district now, now they don't have the ability to elect a representative of their choice?

PUENTE: Correct, and that's a violation of the Voting Rights Act.

A. REYNA: Are you moving to table, Mr. Puente?

PUENTE: I will, eventually, soon.

A. REYNA: Thank you.

PUENTE: Members, I move to...

VILLARREAL: Mr. Speaker?

MR. SPEAKER: Mr. Villarreal

VILLARREAL: Will the gentleman yield?

PUENTE: I yield.

MR. SPEAKER: Gentleman yields.

VILLARREAL: So are you saying that this is the poisonous pill? If we adopt this amendment it will violate the Voting Rights Act?

PUENTE: Yes, it would.

VILLARREAL: And is it accurate what I heard earlier when Frank said we have seven minority districts, seven minority representatives?

PUENTE: We currently have eight.

VILLARREAL: We have EIGHT minority. And so this plan would actually decrease minority representation?

PUENTE: Correct. By, correct, by pairing and also in subsequent elections we would probably lose more minority representation.

VILLARREAL: Now would that just hurt Bexar County or would that violate the entire Texas plan?

PUENTE: I think it violates the entire Texas plan and it's ripe for a lawsuit.

VILLARREAL: Thank you.

PUENTE: Members, I move to table this amendment.

MR. SPEAKER: Chair recognizes Mr. Corte to close.

CORTE: Mr. Speaker, members, you know, one thing that Mr. Puente and I agree on, in fact, you know, we were discussing this not too long ago and we were sitting back here in one of the conference rooms with the redistricting committee staff and I asked a question, in fact, some of the members of the delegation were there, and I said, you know if we were to lose a seat in Bexar County and it happened to be a minority seat, but we didn't lose one in the state plan, would that be retrogression and the answer was no. And you heard Mr. Puente stand up here and say that my amendment would bust the plan, my question to Mr. Puente would be, does he work for the justice department? My question would be to Mr. Reyna, that because you have Hispanics that live in other parts of the city and you have to go get them to make you, to get you to the ideal size, does it mean that those Hispanic voters are going to be voting Democrat? NO. And I think what, why, really, what the objection to my amendment is, is that they can't use the Voting Rights Act to protect Democrats. The Voting Rights Act should only protect the voting rights of minorities, that's the only thing. Members, I will tell you that there are minorities in Bexar County that are voting different than what they have done

in the past and I think my plan reflects the changes in Bexar County in the population, and the demographics, and the voting in Bexar County and members, I think that my plan...

REPRESENTATIVE SHIELDS: Mr. Speaker?

CORTE: ...is, it presents a better, a BETTER plan for Bexar County in the next few years.

SHIELDS: Mr. Speaker?

MR. SPEAKER: Mr. Shields.

SHIELDS: Would the gentleman yield?

MR. SPEAKER: Do you yield, Mr. Corte?

CORTE: I'll be glad to yield to Mr. Shields.

MR. SPEAKER: Gentleman yields, Mr. Shields.

SHIELDS: Representative Corte, isn't it true that you are listing these four equities and that really the number one equity is "one person, one vote?"

CORTE: That's correct, Mr. Shields.

SHIELDS: And have you not identified that in Chairman Jones' plan, the district that has the number 122 on it, includes the fastest-growing areas in Bexar County?

CORTE: That's correct, Mr. Shields.

SHIELDS: Isn't it true that within five years, that area will be so far beyond the five percent deviation, that it will be a joke?

CORTE: In fact, Mr. Shields, I will tell you that I, I will, I know that within two years, two years, that this area will be overpopulated and under-represented. Only to protect the incumbents that feel they want to use the population to protect their base, and I don't think that's right for Bexar County.

SHIELDS: Representative Corte, let me ask you this. Earlier, here this afternoon, we heard our colleague, Representative Elizabeth Ames Jones tell us that in Bexar County, the demographics indicate approximately 60 percent minority and 40 percent majority. Did you hear that?

CORTE: I did hear that.

SHIELDS: Is that true?

CORTE: It's my understanding, with the census data, that with the minority population in Bexar County, its about 60 point some-odd percent and the rest is Anglo, yes.

SHIELDS: We, as we look at the plan of Representative Jones, Chairman Jones, is it not true that you see in that plan the 1991 baseline from the districts that were drawn back in 1991?

CORTE: I would say that's correct. We, in fact, I was here kind of monitoring the process, Mr. Shields, in the redistricting process, and I will tell you that

there was proposal for four districts that would represent, you know, south Bexar County, and because of the litigation that took place, it really got moved down into the district that we gained, which happens to be Mr. Reyna's district, got moved down into the west side of San Antonio. And it really presents a real predicament for Bexar County because, unfortunately, our population is growing, is growing north and we have a preponderance of our districts down south of the county.

SHIELDS: Representative Corte, it reminds me of that old saying that 'garbage in and garbage out.' If those lines in 1991 under-represented the constituents in this area that you are targeting with your amendment, isn't it true that they would be adversely impacted in the current committee plan of Chairman Jones?

CORTE: I really believe that's the case, Mr. Shields.

SHIELDS: Representative Corte, I think you've got a very good amendment.

CORTE: Members, I ask you to look at the, all the points of...

PUENTE: Mr. Speaker?

CORTE: ...of fair redistricting. Mr. Owens is not a Republican, he's not a Democrat, and I will tell...

PUENTE: Mr. Speaker?

CORTE: ...you that he's a voter, just like he is in your district and he brings some common sense approaches to [inaudible]...

PUENTE: Mr. Speaker, will the gentleman yield?

CORTE: ...redistricting in our county and in our state. I ask you to vote with me and I will not yield. We're going to go ahead and vote.

MR. SPEAKER: Mr. Corte sends up an amendment. Mr. Puente moves table. Question's on motion to table, all those in favor, vote aye, opposed, vote no. Division vote. Mr. Corte requests a record vote, (voting) clerk will strike the board. All those in favor vote aye, opposed, vote no. A record vote, the (reading) clerk will ring the bell. Have all voted? There being 76 ayes and 70 nays, the motion to table prevails. Members, amendment number 1095 is withdrawn, as an amendment to the committee substitute. Following amendment, the clerk to read the amendment, 1105.

READING CLERK: Amendment by Maxey. (Amendment No. 13)

MR. SPEAKER: Chair recognizes Mr. Maxey to explain his amendment.

REPRESENTATIVE MAXEY: Mr. Speaker, members, this amendment, it is an amendment that deals with District 48 and District 51 in Travis County. It removes several precincts, or a precinct from the north side of the river in my district to make my district completely below the river, or south of the river. The resulting configuration has a 55.9 percent Hispanic population and a voting-age population of 50.2, that will give another Hispanic-majority, voting-age population district in the state. By doing so, we remain with District 48 being a Hispanic-impact district with a voting-age population of 27.9 percent.

REPRESENTATIVE KEEL: Mr. Speaker, will the gentleman yield?

MAXEY: I yield.

MR. SPEAKER: Gentleman yields, Mr. Keel.

KEEL: Mr. Maxey, why are you offering this amendment?

MAXEY: It makes my district more compact and it makes it a Hispanic-majority, voting-age population district.

KEEL: Well, isn't it true that the plan that you offered to the committee, you along with the rest of the Democrat members of the delegation, had a Hispanic percentage in the district of 53.9 percent?

MAXEY: That's true.

KEEL: And so this brings it up to 55.9, is that correct?

MAXEY: That's true.

KEEL: And isn't it true that you received some pressure, or I should say, some influence from Hispanics who actually thought your plan was unfair, isn't that correct?

MAXEY: That is untrue. I made the decision to make my district Hispanic before anybody asked me to do so.

KEEL: When did you make that decision?

MAXEY: I made that decision and announced it to the Hispanic Caucus a week ago, Wednesday.

KEEL: A week ago, Wednesday, but you turned your plan into the house redistricting committee back in March, did you not?

MAXEY: Yes, nobody came to me prior to that and asked me to make my district more Hispanic.

KEEL: Well, is it not true that the plan that I've offered makes the district nearly 60 percent Hispanic?

MAXEY: If that's what you say your amendment does, your amendment might do that.

KEEL: Well, just look at the numbers, look at the RedAppl numbers.

MAXEY: That's a fact; however,...

KEEL: That is a fact.

MAXEY: ...it also takes a finger of population through the middle of my district, makes it non-compact and divides me into, or takes me out of the district to run against Ms. Kitchen.

KEEL: Oh, no, no, no, it doesn't make it less, it makes it more compact. The fact is, Mr. Maxey, you live within about a quarter of a mile with Ms. Kitchen, don't you?

MAXEY: I absolutely do.

KEEL: And that is on the western edge in an Anglo neighborhood, the western sliver of...

MAXEY: It is the same city block...

KEEL: Let me finish my question.

MAXEY: ...Gonzalo Barrientos lived in when he was elected in this district,...

KEEL: Oh, are you saying...

MAXEY: ...it's the same city block that Lena Guerrero lived on when she was elected in this district, and I live on the third side of the street.

KEEL: Is it not true your neighborhood is an Anglo neighborhood? Yes or no?

MAXEY: It's absolutely an Anglo neighborhood.

KEEL: It is an Anglo neighborhood and, in fact, it is on the western border, the extreme western edge of your district and you're within a quarter mile of Ann Kitchen's district which is on the eastern edge of my district, the most overpopulated district in the house, isn't that correct?

MAXEY: And your point would be?

KEEL: And my point would be that...

MAXEY: We live next door to each other, we're good neighbors.

KEEL: ...that the reason that you won't agree to my amendment, which gives Hispanics a true opportunity district in Travis County is because it would not include your residence.

MAXEY: Hispanics and Anglos elected Gonzalo Barrientos in 1974, they elected, and every year prior to that, following that; they elected Lena Guerrero in 1984 and every year following that until 1990; and they elected me in a special election in 1991, the Anglos and Hispanics together. We have a community of interest. I have a good voting record for Hispanic issues...

KEEL: So you're telling me when you beat Hispanics in the primary after redistricting, when you beat the Hispanics in the democratic primary, that was the Hispanic community speaking, electing you over the Hispanic candidate, is that what you're telling this body?

MAXEY: I'm not saying that. I'm saying that Hispanics and Anglos have not had polarized voting in this district. Anglos have voted for Hispanics for county commissioner, for district judge, for county-wide office, over and over and over in this district.

KEEL: Well, it's pretty simple. If we have a plan, that I've drawn, that's 59.3 percent Hispanic and yours is only 55 percent, you're telling me you think the Hispanics of Travis County think your plan better represents them than mine does. Is that right?

MAXEY: I believe the testimony before the redistricting committee. Every Hispanic that testified said that they agreed with the committee plan.

KEEL: Oh, I don't think so. You weren't there, were you, when they, when representatives came in and said they did not think this was an optimized Hispanic opportunity district.

MAXEY: I said Hispanics from my district.

KEEL: Oh, okay. Well, let me ask you this. Do you remember when we were in an editorial meeting at the Austin American Statesman and they interviewed us about our intents on, intentions on redistricting? Do you remember what you told them your top two priorities were?

MAXEY: My top two priorities were Hispanics to continue having a voice in District 51, and for me to live in it.

KEEL: Well, that's exactly right. Your number one priority, you said, was, is that you intended to optimize Hispanic representation in your district, and the fact is, is that your plan here is five points lower on Hispanic representation than mine, isn't that correct? And this is to accommodate your residence.

MAXEY: Well, yours is to accommodate taking me out of it.

KEEL: Mine is, mine, you know what, Mr. Maxey? You and Ann Kitchen live within a quarter mile of each other in an Anglo neighborhood and the only way to have a true Hispanic opportunity district is to have a true Hispanic opportunity district, and you're not willing to do that, are you?

REPRESENTATIVE DUNNAM: Mr. Speaker?

MR. SPEAKER: Mr. Dunnam.

DUNNAM: Will the gentleman yield for a question?

MAXEY: I absolutely will.

MR. SPEAKER: Gentleman yields, Mr. Dunnam.

DUNNAM: Mr. Maxey, I want to make sure that I'm looking at the right map. This amendment that you have, what members in the Travis County delegation does this affect in the committee substitute plan?

MAXEY: It is an amendment that trades precincts between District 48, Ann Kitchen, and District 51, Glen Maxey.

DUNNAM: Does this affect Mr. Keel's district, or Mr. Naishtat's district, or Ms. Dukes' district in the committee plan?

MAXEY: It does not.

DUNNAM: Does this affect the new open seat in Travis County in the committee plan?

MAXEY: It does not.

DUNNAM: Have you and Ms. Kitchen agreed to this exchange?

MAXEY: Absolutely.

DUNNAM: And you believe that it increases the Hispanic voting-age population?

MAXEY: To 50.2 percent.

DUNNAM: Thank you.

REPRESENTATIVE KITCHEN: Mr. Speaker will the gentleman yield?

MR. SPEAKER: Do you yield, Mr. Maxey?

MAXEY: I yield.

MR. SPEAKER: Gentleman yields, Ms. Kitchen.

KITCHEN: Representative Maxey, this is a plan that you and I have agreed on, isn't that true?

MAXEY: That is correct.

KITCHEN: And our purpose in doing so was to be able to raise the voting age, the percentage of Hispanics and voting-age Hispanics in your district, isn't that correct?

MAXEY: That is correct.

KITCHEN: And at the same time, we were attempting to maintain the influence of Hispanics in my district without dropping them dramatically, as Representative Keel's plan does.

MAXEY: Yes, Mr. Keel's plan drops Hispanic support in your district, almost, I think below 10 percent. Or at 10 percent.

KITCHEN: Thank you, Mr. Maxey.

MR. SPEAKER: Mr. Keel in opposition.

KEEL: Members, just take a look at the RedAppl index data, you'll see who's telling you the truth here. Mr. Maxey draws a district where the voting-age population of Hispanics is 50.2, mine is 54.4. Travis County should have a Hispanic-opportunity district; it's ridiculous in a county with five representatives and we do not have a single Hispanic, and the reason we don't is because of partisan gerrymandering to accommodate residences. It's time for that to end.

MAXEY: Mr. Speaker? Will the gentleman yield?

MR. SPEAKER: Do you yield? He's yielded the floor. Question is straight up on the amendment. All those in favor vote aye, opposed, vote no. Division vote. Mr. Keel has asked for a record vote. Any others? There being enough for a record vote, all those in favor vote aye, opposed, vote no. It is a record vote, the clerk will ring the bell. Have all members voted? Have all members voted? There being 72 ayes, 75 nays, the amendment fails of adoption. Verification's requested, verification's granted. Clerk will verify those voting nay. Members, if you'll take your seats we could expedite this.

READING CLERK: Allen, Averitt, Berman, Bonnen, Brimer, Brown of Kaufman, Brown of Brazos, Callegari, Carter, Chisum, Chisum?

MR. SPEAKER: Mr. Chisum on the floor of the house? Mr. Chisum on the floor of the house? Strike his name temporarily.

READING CLERK: Christian, Clark, Corte, Crabb, Craddick, Crownover, Davis of Harris, Delisi, Denny, Driver, Elkins, Garcia, George, Geren, Goodman, Goolsby, Green, Grusendorf, Haggerty, Hamric, Hardcastle, Hartnett, Heflin, Hilderbran, Hill, Hope, Howard, Hunter, Hupp, Isett, Janek, Janek?

MR. SPEAKER: Mr. Janek, do you verify? Verify Mr. Janek.

READING CLERK: Jones of Bexar, Keel, Keffer, King of Parker, Kolkhorst, Krusee, Kuempel, Lewis of Tarrant, Lewis of Orange, Luna, Madden, Marchant, McCall, Merritt, Merritt?

MR. SPEAKER: Mr. Merritt on the floor of the house? Mr. Merritt on the floor of the house? Strike his name temporarily.

READING CLERK: Miller, Morrison, Mowery, Nixon, Pitts, Reyna of Dallas, Seaman, Shields, Smith, Smithee, Solomons, Swinford, Talton, Truitt, Walker, West, Williams, Wilson, Wohlgemuth, Woolley.

MR. SPEAKER: Mr. Chisum? Verify Mr. Chisum. Mr. Merritt? Mr. Merritt on the floor of the house? Mr. Merritt on the floor of the house? Strike his name. Is there objection to dispensing with verifying those voting aye? Chair hears none. There being 72 ayes, 74 nays, the amendment fails of adoption.

Following amendment, the clerk will read the amendment. Amendment is amendment 1074, Chair recognizes the clerk to read the amendment.

READING CLERK: Amendment by Keel. (Amendment No. 14)

MR. SPEAKER: Chair recognizes Mr. Keel.

KEEL: Members, this is the amendment that we just discussed in debate on the prior amendment. Let me explain to you that the proposed redistricting committee plan had a Hispanic representation of 53.9 percent, the plan that I'm proposing has 59.3 percent, including a voting-age Hispanic population of over 54 percent, I move adoption of the amendment.

MR. SPEAKER: Mr. Jones in opposition.

D. JONES: Mr. Speaker and members, this makes some drastic changes and I move to table.

MR. SPEAKER: Mr. Keel to close.

KEEL: Members, the only change is that it protects all the incumbents' household, except one who lives in an Anglo neighborhood within a quarter of a mile of another member, and that's ridiculous.

MR. SPEAKER: All those in favor, vote aye, opposed, vote no. A record vote's been requested, a record vote's granted. Question on motion to table. Have all members voted? Have all voted? There being 73 ayes, 74 noes, the amendment, motion to table fails. Question now occurs on the motion, anybody wishing to speak for or against, come down front. Chair recognizes Mr. Maxey in opposition to the amendment.

MAXEY: Mr. Speaker, members, I have served in this house for five years, five terms; this is my sixth. I represent a district that has, historically, an impact by Hispanic voters. I believe, no, I know that throughout these six terms, I have never cast a vote that was not in the best interest of all of my constituents, Hispanic, African-American, or Anglo, any other kind of label you want to put on people. I believe that I have been a good member of this house, I have contributed to this house, and I hope that in this vote, that you will allow me to have an opportunity to continue to represent the Hispanics and the Anglos and the African-Americans of District 51.

MR. SPEAKER: Chair recognizes Ms. Kitchen.

KITCHEN: Members, I want to point out that this amendment is a grossly unfair amendment. What Representative Keel is doing with this amendment is several things to completely gut several of our districts here in Travis County. You are familiar with what he is attempting to do by pairing Representative Maxey and myself. I want you also to know that he is attempting to rip apart my district with his amendment by taking off the west, the old West Austin part of my district which has traditionally been a part of my district. He is tearing apart my district, as well as pairing me with Representative Maxey. He is also making tremendous changes to Representative Naishtat's district. I ask you please not to listen to this...

KEEL: Mr. Speaker, will the lady yield?

KITCHEN: I will yield when I finish.

MR. SPEAKER: Not at this time, Mr. Keel.

KEEL: Thank you.

KITCHEN: So, let me tell you some facts that Representative Keel has not mentioned to you, particularly with regard to District 48. What he does is, he cuts me off north of the river, he takes old West Austin off of my district, which has traditionally been connected to urban South Austin and Oak Hill. And then what he adds to my district is a part, the southern part that he has been serving for a number of years. These, old West Austin has been connected to urban Oak Hill and South Austin forever, it has never been separated. Representative Keel is making changes that are not in the interest of my constituents, they do not want their community of interest to be separated that way. And with that, I yield the floor.

KEEL: Will she yield for a question?

MR. SPEAKER: She yielded the floor. Chair recognizes Mr. Gallego.

REPRESENTATIVE GALLEGO: Mr. Speaker and members, much has been made about the Hispanic members in Travis County. Mr. Maxey's amendment would have voluntarily added some Hispanics and made his district more Hispanic without, as has been suggested by many of our colleagues, without an additional pairing. There is a strong desire, I think, on the part of all members to keep the pairing to a minimum. Mr. Maxey's district would have achieved more Hispanic members voluntarily without a pairing. Now, what's important, with respect to the Hispanic numbers, is ability to elect. Hispanics in Travis County currently have that ability to elect and have chosen to elect Representative Maxey. With respect to the issue, again, of the pairing, Representative Keel's amendment would pair Mr. Maxey and Ms. Kitchen. And so for me, as chair of the Hispanic Caucus, Mr. Maxey's amendment would have voluntarily achieved additional Hispanic numbers without essentially, as Mr. Keel speaks to do, kind of packing the minorities into one district. In the current plan, minorities are players in two districts, Mr. Keel's amendment would ensure that they're players in only one district. And so I would...

REPRESENTATIVE CLARK: Mr. Speaker?

GALLEGO: ...ask you to vote no on Mr. Keel's amendment.

CLARK: Mr. Speaker?

MR. SPEAKER: Mr. Clark?

CLARK: Will the gentleman yield?

MR. SPEAKER: Gentleman yields, Mr. Clark.

CLARK: Dr. Gallego, it sounds to me like what you're talking about is the old theory that Hispanics or African-Americans ought to be satisfied with what's known as an influence district. They can be so-called players if they have some influence, is that what you're saying?

GALLEGO: Actually, I've never heard the term influence district, I've heard the term impact district.

CLARK: Okay.

GALLEGO: And, no, what I'm saying is that...

CLARK: So you, you agree that a mere impact district is not, not the best solution for either Hispanics or African-Americans? It isn't mere impact, there ought to be the actual opportunity to actually win.

GALLEGO: Well, I will tell you, in my view, Mr. Clark, the district that I was originally elected from as the first Hispanic ever to serve that area, it happens with time and, quite frankly, the reality is that you don't need to have 60 or 70 percent Hispanic in order to elect a Hispanic. There are members on this floor who are Hispanic who represent Anglo districts. Ms. Reyna is an excellent example of that.

CLARK: That's exactly right, of course, she's a Republican and represents a Republican district, but did you hear the testimony of Dr. Engstrom who pointed out that in his studies, most racially-polarized voting occurred in Democrat primaries, do you remember that testimony?

GALLEGO: I do not.

CLARK: That was one of his concerns when he went over Bexar County, Travis County, Dallas County, Nueces County, Tarrant County, he went in and said he found racially-polarized voting in those Democrat primaries, but he could not find the same evidence when he went into the general elections or where there were Republican voters. And what we're talking about here is a Democrat area, aren't we?

GALLEGO: Mr. Clark, with respect to any evidence that you're trying to add from a commission hearing, I think the evidence of the hearing speaks for itself, you have an opportunity...

CLARK: That's right, but all the members weren't there...

GALLEGO: If you want an opportunity to ask me a question...

CLARK: Well, that's my question.

GALLEGO: What is your question?

CLARK: Do you recall the testimony of Dr....

GALLEGO: I indicated to you that I did not recall that testimony.

CLARK: Okay, do you agree with it, that there is, in fact, racially-polarized voting in Travis County, Dallas County, Tarrant County, Harris County, Nueces County...

GALLEGO: Mr. Clark, I am a resident of Brewster County, I do not have any personal knowledge of Travis County, Harris County, Bexar County or any other county.

CLARK: Okay, so then, but, but you, you're trying to, without any personal knowledge of this county, you are now trying to give your opinion on it, is what it sounds like you're telling me.

GALLEGO: Mr. Clark, what I'm telling you is that Mr. Maxey's amendment would have voluntarily made his district more Hispanic, without pairing any additional members of this house. Mr. Keel's amendment pairs an extra mem, two extra members of this house that are not paired under the committee substitute...

CLARK: But surely...

GALLEGO: ...that's what I'm telling you.

CLARK: ...I'm not hearing you say that avoiding pairing is more important than creating a minority opportunity district in Travis County. I'm not hearing you say that, am I?

GALLEGO: We have in Travis County, under the current plan and Mr. Maxey's amendment, which you voted against, would have already made that seat more Hispanic.

CLARK: And in your...

GALLEGO: Why did you vote against that amendment, Mr. Clark?

CLARK: Against the Maxey amendment?

GALLEGO: And you are...

CLARK: Because I wanted to see a real chance. I don't know of anybody in this house that thinks a 50/50 split is a good chance to win. That's a dead-on fight, that, you know of anybody in the house that thinks a 50/50 split either Republican or Democrat...

GALLEGO: I think, I think...

CLARK: ...or anything else is a good opportunity to win?...

GALLEGO: ...I think a 50/50 split is pretty good, and I think that makes for more public involvement.

CLARK: It makes for a real fight, but...

GALLEGO: It makes for us to turn out the votes.

CLARK: ...it doesn't, it doesn't leave for a minority opportunity district, does it not?

GALLEGO: Mr. Clark, I've indicated to you the reason that I supported the Maxey amendment and that I opposed the Keel amendment, I can say no more than that.

CLARK: Thank you.

REPRESENTATIVE NORIEGA: Mr. Speaker?

MR. SPEAKER: Mr. Noriega.

NORIEGA: Would the gentleman yield?

GALLEGO: I yield, Mr...

MR. SPEAKER: Gentleman yields.

NORIEGA: I just need to get a couple of points for clarification. First of all, I just find it quite invigorating that I see certain members and they're speaking up for Hispanic impact districts. It really makes me feel good, does it not yourself?

GALLEGO: It does, it's unfortunate that that doesn't always translate into school finance or other issues of importance to Hispanics.

NORIEGA: And to votes, is that not correct? And only now in this particular debate, now do we see them wanting to see minority impact districts. Does that strike you as peculiar?

GALLEGO: It strikes me as very peculiar, Mr. Noriega.

NORIEGA: Now, if I'm not mistaken, the only purpose of this particular amendment, as I see it, is to pair two members that under the Jones plan would not previously be paired, is that not correct?

GALLEGO: That's absolutely correct in my view, Mr. Noriega.

NORIEGA: And let me ask you this, are you aware that prior to the current representation of this district, it was represented by Representative Lena Guerrero?

GALLEGO: When I first came to the legislature, Ms. Guerrero was a member of the house and prior to Ms. Guerrero it was Gonzalo Barrientos, who is now a member of the senate. So whether or not that district has had a majority of Hispanics, they've always had the ability to elect and, in fact, they, until Mr. Maxey came along, had consistently elected Hispanics.

NORIEGA: And it is really the purpose, when we talk about the opportunity to elect persons of their choice, that's really what the discussion is, in terms of impact, is it not?

GALLEGO: That's correct.

NORIEGA: Now, were you aware that when the current member that represents that district, in a special election was paired with a Hispanic in the runoff? Were you aware of that?

GALLEGO: Uh, yes.

NORIEGA: That was a special election, and I have a particular note of personal reference in this matter and the reason is, is that the person that Mr. Maxey was paired with was a family member of mine, a Hispanic. Were you aware of that?

GALLEGO: I wasn't aware that she was a relative of yours, Mr. Noriega...

NORIEGA: Well, he was a male, but...

GALLEGO: He, yes.

NORIEGA: Nonetheless, in that runoff, where there were several Hispanic candidates in that election that Mr. Maxey won, were you aware of the reasons of why Mr. Maxey beat that family member of mine in a runoff where the Hispanic community got to choose a candidate of their choice?

GALLEGO: I would imagine, Mr. Noriega, that many of the Hispanics chose, and voted for, and supported Mr. Maxey.

NORIEGA: I, that's exactly correct. Were you aware that the reasons were that the candidate, at that time, had some personal legal problems and chose, as a community, to have Mr. Maxey represent them and, subsequently over the next five terms, rather than someone else, because of the way he represents that community?

GALLEGO: I think Mr. Maxey has proven himself and done an excellent job of representing, not only the Hispanic community in Travis County, which has been very supportive of him, but Travis County as a whole.

NORIEGA: Well, myself personally, I just find this the height of disingenuousness—that someone comes to this body claiming to represent the Hispanic community and claiming that they are interested in more impact districts in the light, and comes before this body representing that particular voice and personally, I just find that offensive.

GALLEGO: I will just tell you, Mr. Noriega, that to convince me that you're interested in the interest of Hispanics, it takes more than one vote on redistricting, it takes public school finance, it takes...

REPRESENTATIVE TELFORD: Mr. Speaker?

GALLEGO: ...many other issues.

TELFORD: Will the gentleman yield?

MR. SPEAKER: Do you yield, Mr. Gallego?

GALLEGO: Yes, I'll yield to Chairman Telford.

MR. SPEAKER: Gentleman yields, Mr. Telford.

TELFORD: Let's be clear. You said something a while ago, I think, that bears on this. Is not this, basically, the same district that Gonzalo Barrientos represented for a number of years?

GALLEGO: It is, exactly.

TELFORD: Is not this the same district that our good friend Lena Guerrero represented for a number of years?

GALLEGO: That is absolutely correct, Chairman Telford.

TELFORD: And I believe that I have, that I'm correct when I say this, that as the district is now currently made up, it is actually more of a Hispanic district than when they had it.

GALLEGO: That's correct.

TELFORD: Then it is quite obvious, wouldn't you think, that this amendment has got everything to do with something other than what is in the best interest of the Hispanic community and the South Austin area?

GALLEGO: That would be my assessment, Chairman Telford.

MR. SPEAKER: Chair recognizes Mr. Jones in opposition.

D. JONES: Mr. Speaker and members, could we have some order here, we're so, so everyone can hear?

MR. SPEAKER: Members, will you please take your seats and give the courtesy to the people debating, the courtesy of being attendees.

D. JONES: Members, one of the difficult tasks of chairing this committee is to sit in with members when there are some disputes. And especially when they're local disputes. And I would point out to you that throughout this process, we have made every effort to be responsive to people of various districts, not to individual house members. I certainly respect each of you, but I have more respect, or a great deal of respect, for those people who chose to send you here, and I have stated on numerous occasions that the redistricting process should not be used to target a certain house member and disenfranchise that house member and, in the process, disenfranchise those people who sent them here. Early on in the process of drawing Travis County, this dispute, not exactly this one, but similar, came up between two of the members. I sat with them one Saturday afternoon for an extended period of time encouraging them to resolve the differences. And I can share with you at this point something I have not been advertising before, but the dispute was basically about 36,000 people and where these 36,000 should, or should not, go. And when we couldn't resolve the dispute, quite, I hope in a Solomon-like manner, I took 18,000 of the 36 in dispute and put them back in the district from which they had been removed. I went to the other extreme end and took 18,000, approximately 18,000 that had been removed from that end of the district and put them back in posture. That was the method of resolution. We did not approach it with an idea of should we pair, or not pair, but we approached it to be respectful of the people who elected their representative up here, and I'd urge you to join me in voting against this amendment because it impairs, I think, on the respect of the voting people who submitted and sent two members to this house. Thank you.

MR. SPEAKER: Mr. Moreno in opposition.

P. MORENO: Mr. Speaker, members. Let's draw the line right now. Let me tell you that I happen to be not a Hispanic, I am a Mexican. I was born a

Mexican, I am proud [to be a] Mexican, and I call myself a Chicano. I also have been, belong to the Hispanic class of this great State of Texas. We're being used now. Divide and conquer. But let me tell you one thing, as a proud Mexican-American member of this house and a resident of this state, I can tell you, that Mexican-Americans are color-blind when it comes to voting. If you vote for the people, for the interest of the poor, of the working, of women, of the elderly, you are our representative and we don't care if you're white, if you're brown, if you're black. We cannot, I get very disturbed when the, when the conservative element is trying, you know, to supposedly be helping us. We can stand on our own now. I ask you, please don't vote for this amendment.

MR. SPEAKER: Anyone else for or against? Mr. Keel to close.

KEEL: Members, let me just tell you...

REPRESENTATIVE WILLIAMS: Mr. Speaker?

KEEL: ...I was born—I will not yield.

MR. SPEAKER: Mr. Williams.

WILLIAMS: Mr. Speaker, will the gentleman yield?

KEEL: I will not, Mr. Speaker.

MR. SPEAKER: Gentleman does not yield, Mr. Williams.

WILLIAMS: Okay.

KEEL: Members, I was born in this county 43 years ago, I've lived here all my life. The changes I am talking about are proposals that were brought to me by people I used to represent when I was sheriff of this entire county, Hispanic people. And let me tell you, I've heard a lot here about people from people who don't live in this county, my good friend Pete Gallego talking about how this district was represented by Lena Guerrero, this district wasn't represented by Lena Guerrero. The district was different 10 years ago, the district was different, that's why I have the most over-populated district in the state. It was different when Gonzalo Barrientos represented it. My plan gives a 55 percent voting-age population for Hispanics, the amendment that failed by Maxey only gave a 50 percent voting-age population because the Hispanic population of Travis County is growing and it is young. So I take great exception to, especially Representative Noriega questioning my, my sincerity on this. Let me tell you something, you bet this is good for Travis County, you bet it's good for Republicans, you bet it's good for Hispanics. What it isn't good for is if we have two representatives on the western edge of an Anglo neighborhood abutting the most populated district in the entire state. And I'll admit that, but it's a redistricting year and Mr. Maxey can move. And if he has a mandate to represent that area, then let him move and represent it, but don't live in an Anglo neighborhood and tell me you're gonna represent a Hispanic district...

MR. SPEAKER: Members in the gallery, we'll ask you to refrain from any demonstrations, as the house rules prohibit that. Question is on adoption of the amendment, all those in favor vote aye, opposed, vote no. It's a record

vote, the clerk will ring the bell. There being 72 ayes, 75 nays, the amendment fails of adoption.

The following amendment, the clerk will read the amendment. Amendment 1118. Following amendment, the clerk to read the amendment.

READING CLERK: Amendment by Davis of Dallas. (Amendment No. 15)

MR. SPEAKER: Chair recognizes Ms. Davis of Dallas.

REPRESENTATIVE Y. DAVIS: Thank you. Mr. Speaker and members, this amendment unites communities. This is probably the one amendment that there is no selfish interest in it, other than that I think it's important that we look at ways in which we can maximize voting potential across the State of Texas. This amendment will unite communities in Grand Prairie that have been split up, it would eliminate, or correct, a dilution of minority voting strength in Tarrant County by raising it up to 49 percent. District 92 has less than 20 percent combined minority population and what this does, is to make sure that we don't create another vehicle, another district that does not maximize, or creates a greatest impact district as possible. So by offering this amendment, what I'm trying to do is allow us to move District 93 into, what I think, is a more responsible approach for the Texas, for the citizens of Texas, and to ensure that we maximize opportunities for African-Americans and Hispanics in these growing communities. The amendment also will clean up the drawing problems by getting rid of a little sliver of a, or essentially, a little bit of part of a district, so that we can get back to compact districts. One of the reports I got from Texas A&M says that the greatest growth migration for African-Americans is in Arlington, and Hispanics is in Arlington in Dallas, in Tarrant County. So this will allow us to create a great impact district with the opportunity of creating maximized representation for minorities in the State of Texas. I move adoption.

SPEAKER PRO TEMPORE: The following amendment to the amendment, the clerk will read the amendment to the amendment. Number 1097.

READING CLERK: Amendment to the amendment by Goodman. (Amendment No. 16)

SPEAKER PRO TEMPORE: Chair recognizes Mr. Goodman to explain the amendment to the amendment.

REPRESENTATIVE GOODMAN: Mr. Speaker, members, this is an amendment to Chairman Davis' amendment, it is a compromise between me and Chairman Davis, it is also acceptable to Chairman Jones, and I would move adoption of the amendment to the amendment.

SPEAKER PRO TEMPORE: Mr. Goodman sends up an amendment to the amendment. It is acceptable to the author of the amendment and it also acceptable to the author of the bill. Is there objection to the adoption of the amendment to the amendment? Chair hears none and the amendment to the amendment is adopted. Now the question occurs on adoption of the amendment, as amended. Chair recognizes Mr. Jones.

D. JONES: Mr. Speaker, members, this amendment is acceptable to all involved including me, it is acceptable to Dallas.

SPEAKER PRO TEMPORE: Question's on the adoption of the amendment, as amended. Is there objection? The chair hears none. The amendment, as amended, is adopted. Amendment 1096 has been withdrawn. Clerk will read the amendment.

READING CLERK: Amendment by Garcia. (Amendment No. 17)

SPEAKER PRO TEMPORE: Chair recognizes Mr. Garcia to explain the amendment.

GARCIA: Members, the last debate we had on Travis County is sort of relevant to what we're having on this one. And what this amendment does is basically the same thing. In Dallas County, 2000, in the 2000 census, Mexican-Americans make up 30 percent of the population, African-Americans make up 20 percent of the population, and Anglos make up 50 percent of the population. Even though Latinos are 30 percent of the population, I represent the only majority-Hispanic opportunity district in Dallas County, Elvira Reyna represents a majority Republican district from Mesquite. What we have now under the plan that...

REPRESENTATIVE EHRHARDT: Mr. Speaker?

GARCIA: ...has been drafted by...

EHRHARDT: Mr. Speaker?

GARCIA: ...by...

SPEAKER PRO TEMPORE: Ms....

EHRHARDT: Will the gentleman yield?

SPEAKER PRO TEMPORE: ...Ehrhardt?

GARCIA: ...by, the committee...

SPEAKER PRO TEMPORE: Mr....

GARCIA: I won't yield at this time, I will in a little bit.

EHRHARDT: Thank you. I'll wait.

SPEAKER PRO TEMPORE: Gentleman does not yield.

GARCIA: And let me give you an example of what happens when put, politicians put the interest ahead of that of the community. In my area of Dallas County, District 104, under this plan, is the largest-populated district in the entire State of Texas. That means that it's not a Republican district growing suburb, it means that it's an inner city Hispanic district and it's been done to pack my community. And it's being done for a specific intent and purpose and that, in turn, purpose is to dilute the Hispanic voting population in the communities in Dallas County. The other thing that's happened under this area is that in District 103, under the way it's been drawn, you have a narrow neck running approximately a third of the length of the county that attaches to two small voting precincts, and they are done in a way to protect an incumbent. If we had drawn these lines to make one Mexican-American district, it wouldn't pass muster. But it's not done for that purpose, it's done to protect an Anglo

incumbent. And gerrymandering, under any circumstance, for whatever purpose, is wrong. Let me tell you that I submitted a plan to the redistricting committee that created three districts: it would make District 104, 76 percent Hispanic. It would make District 103, 75 percent Hispanic and it would make District 105, 66.6 percent Hispanic. None of those plans were accepted by the committee. In fact, they were all rejected. The new map was actually drawn by MALDEF lawyers. And this new map basically does approximately the same thing. District 103 is 73.7 percent Hispanic, district 104 is 72 percent Hispanic, and District 107 is 60.3 percent Hispanic. Now, if we have an opportunity to create three majority districts and this house chooses not to do so, then it is infringing on my constituents, it is dividing communities of interest, and it is being done to protect politicians, not to protect communities, and I resent that fact. And that's why I have proposed this amendment and put it forward. And at this time...

EHRHARDT: All right, Mr....

GARCIA: ...I will yield to the gentle lady.

SPEAKER PRO TEMPORE: Gentleman yields, Ms. Ehrhardt.

EHRHARDT: Thank you, thank you. Representative Garcia, are you aware that you take two districts that are trending toward Hispanic majority, and destroy that possibility by concentrating that membership in one district?

GARCIA: Ma'am, my map creates three Hispanic-majority opportunity districts...

EHRHARDT: And you are...

GARCIA: ...that would have the oppor, the chance to elect a René Oliveira, or a Dora Olivo, or a Roberto Puente. Right now, none of them have anybody by that name representing them.

EHRHARDT: You are aware that there are amendments to follow that will certainly change some of this, but in your amendment, you actually destroy the possibility of two districts becoming Hispanic. Secondly, are you aware that you are drawing this district without regard to the historic district, their neighborhoods, or communities of interest that have long standing in the city of Dallas?

GARCIA: On the contrary, I'm keeping communities of interest that share linguistic interests in common, churches, church neighborhoods, school district neighborhoods—they're all being kept intact by my districts. Not to mention, Ms. Ehrhardt, that my districts are more compact. I drew a district as a square—that's mine. They drew it, making it all kinds of squiggly lines to compact Hispanics in my district.

EHRHARDT: In order to preserve neighborhoods that have historically been together. Are you aware that you cut apart old East Dallas, long an inner city neighborhood, to effect change for a smaller, outside area, rather than leaving an inner city area that is intact and has a long history of working together?

GARCIA: Ms. Ehrhardt are you referring to...

EHRHARDT: I have...

GARCIA: ...house plan...

EHRHARDT: Yes, sir...

GARCIA: ...11, 01127?

EHRHARDT: Yes, sir...

GARCIA: Okay.

EHRHARDT: ...I have had it since you filed it.

GARCIA: Okay, and do you under...

EHRHARDT: And that it, it gerrymands in such a way as, that was struck down in 1995, the very district that I now serve, by using a very narrow manner in which to connect some of the districts.

GARCIA: On the contrary, I am keeping that portion of East Dallas that speaks the same language, watches the same T.V. shows, listens to Tejano radio, all those...

EHRHARDT: Ummm, Mr. Garcia...

GARCIA: ...people are in that district, that's a community of interest, and what this plan does, is it divides them...

EHRHARDT: No.

GARCIA: ...and it divides them to protect Anglo incumbents, and that is wrong. I am not going to stand by and watch my community be divided to protect politicians.

EHRHARDT: Mr. Garcia, are you aware that some people who share the same interest that you say you have, disagree very strongly with that point of view?

GARCIA: Yes, I do.

REPRESENTATIVE HODGE: Mr. Speaker?

SPEAKER PRO TEMPORE: Ms. Hodge has the floor, please.

HODGE: Will the gentleman yield?

SPEAKER PRO TEMPORE: Do you yield?

GARCIA: I yield.

SPEAKER PRO TEMPORE: Gentleman yields.

HODGE: Representative Garcia, did you say that the maps that are currently drawn are simply to save white people?

GARCIA: At least to a...

HODGE: I'm sorry?

GARCIA: At least to incumbents. And by the way, there's nothing that would stop any incumbent. I find it hard to understand why people are afraid to run in 70 percent Hispanic districts, while it's okay for Hispanics to run in 70 percent Anglo districts or African-American districts.

HODGE: Mr. Garcia?

GARCIA: I don't understand why it can't be the same.

HODGE: Representative Garcia, does the plan that you submitted not totally remove my district?

GARCIA: It reconfigures your district, but it remains a majority African-American seat.

HODGE: Mr. Garcia, when did you look at me and determine that I was an Anglo female?

GARCIA: I never said you were an Anglo female, Ms. Hodge.

HODGE: Well, let me just make this clear. Are you sure that every district that you are redrawing only affects Anglos in the Dallas County plan?

GARCIA: It impacts your district, but it remains a majority African-American district, there is no regression, it complies with the Voting Rights Act, and it was done to protect all the African-American incumbents. And that's what this plan does.

HODGE: Representative Garcia, do you not remember a bill that you had on this floor earlier that said if we told a lie there would be a 500 dollar fine?

GARCIA: Yes, I do, and as I recall, Ms. Hodge, the maps, in effect, speak for themselves and the truth is a complete defense.

HODGE: Well, let me ask one other question because I have to ask questions from this mike. I'm asking you to tell this body that you are truly taking away a district from an African-American female in Dallas County.

GARCIA: I am not. The map makes your district approximately 41 percent African-American, which is what it is now.

HODGE: Will you tell this body that you are truly making this a minority district that will be a Hispanic district?

GARCIA: I'm creating true additional majority-Hispanic opportunity districts, okay? Ms. Hodge, I respect the fact that the African-American community has four districts with 20 percent of the population in Dallas County. My problem is we have 30 percent of the population and we only have one Hispanic majority district. I find, I would believe, as you have fought for civil rights, and this is, you should be fighting for the civil rights, not only of the African-American community, but also the Latino community because you know we have been put down, we have been discriminated against in Dallas County for years. Every time we have had a seat we've had to go to the courthouse, we never got justice from any sitting political body, whether it's a school board, city council, county commissioner, or this house in 1990. And you know that.

HODGE: Representative Garcia, I don't really need you to tell me about justice. I'm the last one that needs to be educated about justice, but let me say to you, you told this body that it was Anglo seats that were trying to be saved. What you need to clearly tell this body [is] it is four African-American seats and one Hispanic seat trying to be saved. Then you need to explain to them it's your colleague, African-American seat that your map destroys.

GARCIA: Well, I would disagree with you, Ms. Hodge, again.

SPEAKER PRO TEMPORE: Mr. Garcia?

GARCIA: Mr. Speaker.

SPEAKER PRO TEMPORE: Point of order has been raised that your time has expired. Point of order is well-taken and sustained. Mr. Jones in opposition.

D. JONES: Mr. Speaker and members...

SPEAKER PRO TEMPORE: Just a minute, Mr. Jones. Mr. Garcia withdraws... Mr. Jones in opposition.

D. JONES: Mr. Speaker and members, I yield to Mr. Garcia.

GARCIA: Mr. Jones?

SPEAKER PRO TEMPORE: Mr. Garcia, for what purpose?

GARCIA: Will the gentleman yield, Mr. Speaker?

D. JONES: He yields.

SPEAKER PRO TEMPORE: Gentleman yields.

GARCIA: Mr. Jones, why did you make District 104 the largest, or why did the committee, make District 104 the largest-populated house district in the State of Texas?

D. JONES: In our deliberations, and with the support of numerous legal counsel, that I mentioned earlier, we considered every district in Dallas County, but we did not consider a certain district to say that we want to pack it, or not to pack it, we considered it with respect, as I have said before, of what's best for all of the people of Dallas County. And it was our opinion, in response to the people of Dallas County, it was necessary to draw the district as you have indicated, and we drew those other districts in the manner that Ms. Hodge indicated, and that's my answer to your question.

GARCIA: Why, in a county that is 30 percent Hispanic, in a city of Dallas that is majority Hispanic, did your committee only come up with one district that has a voting-age population of Hispanic surnames that's majority? Why? Out of 16 seats, why only one?

D. JONES: That was the end result of following all the other guidelines that I've outlined previously.

GARCIA: Did you follow the guidelines that are registered in the Voting Rights Act?

D. JONES: We have followed the guidelines in the Voting Rights Act according to our attorneys, that was one of the questions I posed to them.

GARCIA: Were you trying to protect the incumbents at the expense of the Hispanic community in dividing communities of interest?

D. JONES: Throughout the process, I will say again, we were trying to respect those people who elected each person that's present, presently representing Dallas County.

GARCIA: All right, and Mr. Jones, when these lines were drawn, why were the districts that were more compact, mine was a square, why were they, instead of having compactness, geographically, why are we drawing squiggly lines and connecting two precincts to a larger portion of Dallas County? Why is that being done?

D. JONES: In complying with all of the rules and guidelines I've outlined before, we had to draw many lines that were squiggly, and peculiar, and not necessarily rectangular.

GARCIA: But why choose those squiggly, peculiar, curiously-drawn geographical lines over compact lines that keep communities of interest together?

D. JONES: We did not choose them with respect to how they create a district; we chose them under our guidelines.

GARCIA: Thank you.

D. JONES: Thank you. Mr. Speaker? I move to table the amendment that we're discussing.

MR. SPEAKER: Mr. Jones withdraws the motion to table. Mr. Garcia withdraws the amendment. Following amendment, the clerk to read the amendment. Number 1091.

READING CLERK: Amendment by Hartnett. (Amendment No. 18)

MR. SPEAKER: Chair recognizes Mr. Hartnett to explain his amendment.

REPRESENTATIVE HARTNETT: Thank you, Mr. Speaker, members. This amendment also relates to Dallas County. Many of us were here in the last redistricting and remember that the city of Irving, which is right next to the city of Dallas, lost its long time state representative and was cut into five pieces. Irving had had its own state representative for 10 years under Bob Davis and then another 10 years under Gwyn Shea, and in the last redistricting I was paired with Gwyn Shea and I won. I've enjoyed representing Irving, it's a privilege, but Irving has asked me to submit this map today that would create an all-Irving district and move me into being a Dallas district, which is where I live. Irving has 191,000 people, it's the largest city in Texas that does not have a representative living in it at this time, so it has five state representatives but none of them live in the city. Irving has a very strong community spirit and would like to try to be put back together. This map would put 141,000 Irving people in an all-Irving district. Unfortunately, in order to create a new district, it was necessary under this map to make a pairing. In this case, with my apologies, two well-regarded colleagues, Steve Wolens and Harryette Ehrhardt, would be put together. I submit this map for your consideration to respect the community interest of the city of Irving.

REPRESENTATIVE TILLERY: Mr. Speaker? Will the gentleman yield?

MR. SPEAKER: Do you yield, Mr. Hartnett? Gentleman yields, Mr. Tillery.

TILLERY: Mr. Hartnett, I was just, I was looking over the map and you fairly pointed out to everybody that you do create a pairing between Harryette and Steve Wolens, correct?

HARTNETT: That is correct.

TILLERY: And you felt like, in drawing a district which was solely Irving, that was the only way you could do it?

HARTNETT: If you create a new district, an empty district, you have to pair somebody and that's what the, that's just the map that the city of Irving drew.

TILLERY: Also, there were some changes in some of the other districts, right?

HARTNETT: Of course.

TILLERY: We had a change in, it changes my district, but I don't have any problem with the way it changes my district, I think certainly it changed the numbers around, but I don't see that it really changes that particular Southeast Dallas community in a way that I would necessarily object to. However, I have noted and I see that it also substantially impacts Helen Giddings' district. Did you notice that?

HARTNETT: Yes.

TILLERY: And essentially, it drives Helen substantially north in one part and then all the way to the southeast corner, correct?

HARTNETT: That's correct.

TILLERY: And it also drops her black population from 47 percent to 32 percent. Is that correct?

HARTNETT: I'll take your word for it.

TILLERY: All right. Additionally, it impacts Terri Hodge's district, is that correct?

HARTNETT: Yes.

TILLERY: And from looking at it, it really creates pretty much entire new territory for Terri Hodge, doesn't it?

HARTNETT: I think that's close to right.

TILLERY: And then, I think it makes pretty substantial changes to Yvonne Davis' District 111, is that correct?

HARTNETT: I think that's correct.

TILLERY: Was there a way that you could create an Irving seat which would not have had as much of tremendous impact on the districts that we talked about?

HARTNETT: I honestly don't know, Dale, this is what the city of Irving presented to me to present to the body.

TILLERY: All right, thank you, Will, I appreciate it.

HARTNETT: Thank you.

MR. SPEAKER: Mr. Jones in opposition.

D. JONES: And members, as you've heard discussed from the back microphone, this makes some drastic changes in the Dallas districts that are

certainly drastically different from those that our committee determined to be best for the people of Dallas, and I would plan to move to table this, but I would answer questions before I make that motion.

REPRESENTATIVE WOLENS: Thank you. Mr. Speaker, will the gentleman yield?

D. JONES: I yield.

MR. SPEAKER: Gentleman yields, Mr. Wolens.

WOLENS: Gentlemen, I'm sorry I didn't have a chance to ask this of Will. Can you explain to me how his map, or how his treatment of Dallas County, treats the district that I represent in 103? All I heard is that it is a pair of the district I represent with the district of Harryette Ehrhardt. Or if it would be more appropriate, Mr. Speaker, if you would permit...

D. JONES: I haven't studied that map carefully, but I took this opportunity to ask Mr. Hartnett what it does and he said that the bulk of it preserves your district,...

WOLENS: I beg your pardon?

D. JONES: ...as a general statement, not a specific...

WOLENS: I'm sorry, I didn't hear what you said.

D. JONES: He said that the bulk of your district was preserved, and I said that that's a general statement, not a specific answer to your question.

WOLENS: And then, if you could help me, where the pairing is with Ms. Ehrhardt, if it's possible. Mr. Speaker?

MR. SPEAKER: Mr. Wolens.

WOLENS: Would it be possible for me to direct some questions to Mr. Hartnett on his amendment?

MR. SPEAKER: He'll have an opportunity to close in just a second.

WOLENS: That's fine. Then I will withhold any further questions.

D. JONES: And Mr. Speaker, with that, I move to table Mr. Hartnett's amendment.

MR. SPEAKER: Mr. Hartnett to close.

D. JONES: Mr. Speaker?

MR. SPEAKER: Mr. Jones.

D. JONES: Could I make a semi-parliamentary inquiry about an item that got misplaced?

MR. SPEAKER: State your semi-parliamentary inquiry, and I'll make that decision when I find out what your semi-parliamentary inquiry is.

D. JONES: During early morning discussion when Mr. Seaman had a map displayed back there, I sent my pointer back to him to assist him in answering questions and having access to microphones. Somewhere in that process my

pointer got away, and so someone in the house chamber, I presume, has a new item, a pointer that...

MR. SPEAKER: There it is, Mr. Jones. Mr. Hill...

D. JONES: HEY!...

MR. SPEAKER: ...has your pointer.

D. JONES: ...we found it. Thank you, Fred.

MR. SPEAKER: Mr. Hartnett to close.

HARTNETT: Members, I just request your favorable consideration of the strong community interest of the city of Irving which has 191,000 people.

WOLENS: Mr. Speaker, will the gentleman yield?

MR. SPEAKER: Do you yield? Gentleman yields, Mr. Wolens.

WOLENS: Will, I just wanted to visit with you a little bit about the map and I appreciate you giving me a copy of it. The stars that I see for Garcia and for myself, they appear to be in District 104, but I think you said that I'm looking at that, perhaps, wrong.

HARTNETT: Yes.

WOLENS: I would go in 103 and Garcia goes in 104, is that correct?

HARTNETT: That's correct.

WOLENS: I would not be one of his constituents?

HARTNETT: That's correct.

WOLENS: All right. Now if I were one of Mr. Garcia's constituents, would it be appropriate for me to suggest to him how to vote on this bill?

HARTNETT: Certainly.

WOLENS: All right. Now, District 109, is that? Who is 109?

HARTNETT: Helen Giddings.

WOLENS: All right. This would send Helen Giddings from the bottom right part of the map and it would take her in, it looks like, into Highland Park, does that do that? Doesn't it look like she goes into Highland Park here?

HARTNETT: Not a bit.

WOLENS: I beg your pardon? Close, she gets close to Highland Park. She probably gets close to Northwest Highway, don't you think?

HARTNETT: Gets up to Lovers Lane.

WOLENS: So this would take her from the southern, most southern part of Dallas County up to three-quarters up the way up the county, wouldn't it?

HARTNETT: I guess a little over halfway up.

WOLENS: That's fine. And then what does it do, it looks like you have just a little bridge that gets you from the west part of your district to the east part of your district. Is that a bridge or is that a pathway there?

HARTNETT: That's Northwest Highway.

WOLENS: Is that the highway itself that gets you from the west to the east part of your district?

HARTNETT: Pretty close, I think.

WOLENS: Truly, is it the width of Northwest Highway, more or less, that gets you from the west to the east part of the district?

HARTNETT: I'm not sure exactly what that is, I don't know the answer, but I think it's close to that.

WOLENS: I'm not being critical, I was just trying to visualize it. Now, except for the one pairing with Harryette and with myself, there were no other pairings in here, is that correct?

HARTNETT: That's correct.

WOLENS: All right, and it would create an open seat in District 107?

HARTNETT: Correct.

WOLENS: That's formerly the district that you represented most of, and I represented part of that, and Kenny Marchant represented part of that. In reality,...

HARTNETT: I'm sorry?

WOLENS: ...I think, the four of us have represented part of what would now be 107, is that right?

HARTNETT: I'm sorry, could you state that again?

WOLENS: Sure, I apologize, I was a little mushy.

HARTNETT: Oh, yes that would be...

WOLENS: The new 107, would be a district that formerly was represented by you and me and Ray and Kenny, is that right?

HARTNETT: Pieces, yes.

WOLENS: All right. And that would have about 140,000 people in it?

HARTNETT: Correct.

WOLENS: Would that have a tilt toward the Democratic persuasion, or the Republican persuasion, or would it be agnostic?

HARTNETT: [District] 107 would continue as it is now, which is a Republican district.

WOLENS: All right. Is this, do you know, other than your presenting this, is this generally acceptable to your Republican brethren, or are you advised?

HARTNETT: I'm not advised.

WOLENS: Okay, and how about to the, to your Democratic brethren in the county, are you advised?

HARTNETT: I think they're generally unhappy, not satisfied with it.

WOLENS: All right, that's fair. But this would make, generally, Irving whole.

HARTNETT: This would be a, an entirely Irving district.

WOLENS: Even at the south part, would it not get Ray Allen into the southern part of 107, or does it keep him out of Irving as well?

HARTNETT: Ray would have a portion of Irving.

WOLENS: Oh, he still would?

HARTNETT: Yes, because Irving has 191,000 and this district has...

WOLENS: You're right.

HARTNETT: ...141, so you have to put 50,000 somewhere.

WOLENS: You're absolutely right, I'm sorry. Well, thank you very much for visiting with me.

MR. SPEAKER: Question occurs on the adoption of the amendment. Question on motion to table of the amendment. All those in favor of the motion to table say aye, opposed, no. Vote aye, vote no, members; division vote. Strike the board; the motion to table prevails.

Members, amendment number 1068 by Mr. Jones of Dallas has been withdrawn. Members, amendment number 1120, the Tillery-Hodge amendment, has been withdrawn. The following amendment, amendment number 1115, chair lays it out.

READING CLERK: Amendment by Wolens. (Amendment No. 19)

MR. SPEAKER: Chair recognizes Mr. Wolens to explain his amendment.

WOLENS: Mr. Speaker and members, thank you for this opportunity to be back before you for my third time, whether I am back for a fourth redistricting, Mr. Speaker, I don't know. If I come back for a fourth house redistricting, I am very dubious of that. I don't know if I'm going to make four of these things. This is what amendment 1115 principally does in Dallas:

It affects my district and what it does is, it will raise the Hispanic population in my district. When the committee reported a, my current district, the Hispanic population is 60.8 percent, the committee came out with a Hispanic district of 63.4 percent, and this would raise it by 3.5 percent for the Hispanic population. For the voting-age population of Hispanics, my current district is 55.7 percent, the committee upped it by around two and a half, and this amendment would increase it by an additional three percent. The total minority population in my current district is 70.7, the committee increased it to 72.2, and this would increase it to 75.8. And the minority voting-age population in my current district is 65.3, the committee raised that by approximately two and a half, one and a half percent, this would raise it to 70.7.

Number one, what this does is, it raises the Hispanic population, and the second thing is that the committee plan split the city of Highland Park so that the city of Highland Park was in a district represented by Kenn George and in a district that I would represent under the committee proposal. This would unite Highland Park with Kenn George. Mr. Speaker, I think there, and I'm happy...

GARCIA: Mr. Speaker, would the gentleman yield?

WOLENS: I yield.

MR. SPEAKER: Gentleman yields, Mr. Garcia.

GARCIA: Mr. Wolens, when...

WOLENS: You can call me Steve.

GARCIA: Steve.

WOLENS: Good.

GARCIA: Neighbor. I want to know why you are making this amendment, why are you offering this amendment to raise the Hispanic population in your district?

WOLENS: Do you think that is inappropriate?

GARCIA: I'm asking, why are you doing it?

WOLENS: Well, there are two reasons: I am doing it because I'd like to raise the Hispanic population in my district and, number two, secondly, and I'd mentioned the issue of Highland Park, it splits the city of Highland Park. And it just seemed reasonable to keep that city intact.

GARCIA: Right now, what is the reg, under your amendment, what is the number of registered Spanish-surnamed voters in District 103?

WOLENS: Under this proposed amendment?

GARCIA: Yes, sir.

WOLENS: I only have the numbers that are on the computerized sheet filed with the amendment, so the numbers that I have are the ones that I just told you about, which were the total number of Hispanics, which is raised 10 percent from my current district, and I had the voting-age population of Hispanics that go from a current district of 55.7 to 61.8. And it's also almost three, two and a half to three percent higher than what the committee plan is. So I am increasing, not only does this amendment increase the number of Hispanics, and Hispanics per voting-age population from my current district, but it would increase it from what the committee did.

GARCIA: I'm trying to, let me ask you, what neighborhoods did you put into your district to increase your Hispanic population? And looking at the map, I really couldn't tell and there's no blowup.

WOLENS: Yeah, this is what we did. We wound up eliminating some of the more Anglo districts that would be in the VTD 1130, 1117, and 1106, those were in the northernmost part of the district, so...

GARCIA: What did you take, what Hispanic neighborhoods did you take into your district to get where you're at?

WOLENS: Yeah, just let me mention, part of what I did, part of what was done is to eliminate some very heavily Anglo districts, so by eliminating those, it would increase the percentage of Hispanics.

GARCIA: I'm not sure, but the last map...

WOLENS: Let me, just let me finish...

GARCIA: Okay.

WOLENS: ...because there's some more of it. So, what we did is, we eliminated 1130, 1117, and 1106, which are principally, which has a higher concentration of Anglos. We included 1101, 1106, and 1107, and that is, those were in my previous district, all except for 1107. Those were in the current district that I represent, but we picked those back up. The committee eliminated those and in picking them up, they had a significant number of Hispanic voting-age population and Hispanics living in that district. And that's principally what it was, one, well, two more things. Number one is we put Highland Park back into Kenn George's area. You may already know this, but there are not a lot of Hispanics in Highland Park, at least this particular area did not. And then, we eliminated 4208, we removed 4028, I'm sorry, that was not heavily concentrated with Hispanics and that was, that was part of my original district but we dropped that out.

GARCIA: Isn't it a fact that, and I don't have the specific numbers, but that your registered Spanish surname is probably, is under 30 percent?

WOLENS: I'm sorry, if that had been part of the statistics coming out of the Legislative Council, is that? I don't think that was in there, was it?

GARCIA: All I have is what's on the computer and I was just surprised at the registered, the number of Spanish registered voters is not on the map that I got.

WOLENS: Whatever...

GARCIA: Or the data that I got.

WOLENS: Whatever the data is, the data is.

GARCIA: Okay.

WOLENS: So, if that's what is in the data, I will defer to whatever the data is. I took everything spit out from the computer. What I'm certain of are these numbers that I gave you, which is that it increases the Hispanic population from my current district and from what the committee did, and it also increases the Hispanic age population, not only over the current district, but over the proposal from the committee.

GARCIA: Would you be amenable to taking, I have the largest district in the State of Texas, would you be amenable to, and by the way, I believe you have a negative deviation, is that correct?

WOLENS: On my...?

GARCIA: On the total pop...

WOLENS: ... my deviation?

GARCIA: What is your population in your district?

WOLENS: The population in what district? Under my current district or under the proposed district?

GARCIA: Under the proposed district, what would your population be?

WOLENS: It is one, well, are you looking at the census population there?

GARCIA: The total population for your district?

WOLENS: What do you show it as?

GARCIA: I'm not sure if I got the right map, you had two amendments, that's why I'm not, I'm asking.

WOLENS: You know there's another amendment coming up, there is another amendment coming up that'll probably affect what this one does, so you should probably double check what that one does, too. Oh, this one is 142,474. Is that what you show?

GARCIA: No, I show 137.

WOLENS: I thought you said you didn't have it.

GARCIA: Well, I don't know if I got the right one, that's why I'm asking you. But what I got for District 103 under house plan 01120H...

WOLENS: I don't know, we are, we're apparently not looking at the same one.

GARCIA: All right. What do you show then?

WOLENS: I just said.

GARCIA: 142?

WOLENS: 142,474.

GARCIA: Okay.

WOLENS: Now, members, Dale Tillery has got an amendment as well that will increase some of the Hispanic population, I believe, in his district.

GARCIA: Would you agree, Mr. Wolens, that...

WOLENS: You can call me Steve.

GARCIA: Steve, would you agree, Steve, that if you go to a, if your district went to a 75 percent Hispanic district, as we proposed, and you had a 40 percent Spanish-surname registration voters, that that would enhance the ability of a Hispanic to be elected in that district whenever you decide to move on?

WOLENS: You know, I don't know all of the legal ramifications of this, this is not my area or expertise in law, I heard many of the things that you said when you were promoting your amendment, and whatever the law is, the law is. I am trying to work here with communities of interest, I'm trying to do the best that we can, we could have left the committee report the way it was, I think we're trying to do a little bit better.

GARCIA: It appears from your map that you took in a bunch of apartments from southern Irving, which have low voter registration numbers, to enhance your Hispanic numbers, instead of taking adjacent precincts like District 41, Precinct 4100 and Precinct 3130 and 3129, which are adjacent to Kessler Park. Why didn't you take those precincts and make your district more compact and more square?

WOLENS: I don't know where you're referring to there being apartments here, I assume that there are apartments throughout all of our districts and...

GARCIA: Eh?

WOLENS: ...I simply can't tell you where, in 103, there are apartments, perhaps close to my home, I could tell you that because I know that, but as far as the area you're referring to in Irving, I just can't tell you one way or the other.

GARCIA: Well, if I submit to you that you've taken apartment complexes in southern Irving and put those in your district and increased the Hispanic population, but not the voter registration or any neighborhoods like you have in West Dallas, I believe you used to represent West Dallas at one time, didn't you, Steve?

WOLENS: I think I represented West Dallas during two of the three times that you ran against me. Let me think if that's right, I don't think I had them—you first ran against me in, in '83 or '85? I think you first...

GARCIA: '85.

WOLENS: ...ran against me in '85.

GARCIA: '85.

WOLENS: I don't think I had West Dallas when you ran against me in '85. Then you ran against, no, that was '86. Then you ran against me in '88, did you or your law partner run against me in '88?

GARCIA: I did.

WOLENS: You did, all right. So when you ran against me in '86 and '88, I did not, I don't think I represented, I did not represent West Dallas then. Then when your law part, when did Juan run against me?

GARCIA: Judge Jasso ran against you in '90.

WOLENS: That was your law partner, right,...

GARCIA: Yeah.

WOLENS: ...at the time? So when your law partner ran against me in 1990, no, it was not in my district. So, let me think. Then you ran against me, in '92? I think you ran against me again in '92. And then West Dallas, you're absolutely right, of the four times that either you and your law partner ran against me, it was the last time that I did have West Dallas, you are absolutely right.

GARCIA: And was there racial polarized voting both times that me and you ran against each other?

WOLENS: I beg your pardon?

GARCIA: Was there racially polarized voting both times me and you ran against each other, where you lost all the Hispanic and black boxes and you still won the election because you carried the Anglo boxes, which voted in higher numbers?

WOLENS: Well, how about the African-American boxes?

GARCIA: That's what I'm saying...

WOLENS: Oh.

GARCIA: ...that we have, would you answer my question?

WOLENS: Sure.

GARCIA: Was there racially polarized voting in the elections between yourself and myself?

MR. SPEAKER: Point of order has been raised that the gentleman's time has expired. Point of order well-taken and sustained. The following amendment to the amendment, the clerk will read the amendment to the amendment. Number 1172.

READING CLERK: Amendment to the amendment by Tillery. (Amendment No. 20)

MR. SPEAKER: Chair recognizes Mr. Tillery to explain his amendment to the amendment.

TILLERY: Mr. Speaker, members, this particular amendment addresses concerns that LULAC and MALDEF had, so it ups my Hispanic numbers to 33 percent voting-age population. And it's acceptable to the author.

MR. SPEAKER: The amendment to the amendment is acceptable to the author of the amendment and the author of the bill, is there objection? Chair hears none, so ordered. Question occurs on the adoption of the amendment, as amended, is there objection? Question occurs on the adoption of the amendment as amended, is there objection? Chair hears no objection, amendment, as amended, is adopted.

Amendment number 1135 by Tillery is withdrawn. Amendment number 1101 by Ms. Giddings is withdrawn. Amendment number 1128 by Mr. Wolens is withdrawn. Amendment number 1067 is withdrawn. Ms. Farrar? Ms. Farrar withdraws amendment number 1125. Mr. Wilson? Following amendment to the amen—, following amendment, the clerk will read the amendment.

READING CLERK: Amendment by Wilson. (Amendment No. 21)

MR. SPEAKER: Chair recognizes Mr. Wilson in favor of his amendment.

REPRESENTATIVE WILSON: Thank you, Mr. Speaker. Members, plan 1150 basically sets out a number of districts in Harris County, in particular the African-American districts in Harris County, and draws them such that they are compact and contiguous and also include the communities of interest in that area. If you look at the numbers under this plan, versus the plan that came out of the committee, you'll see that the African-American numbers, in particular, are much higher than they are in the committee's plan. This plan was drawn without regard to, basically, any personalities or any of the votes that come to considerations, and I've basically offered for the house consideration. I have it before us to make it part of the record. And at this time, I'm going to withdraw it. I appreciate your consideration.

MR. SPEAKER: The amendment is withdrawn. Following amendment, the clerk will read the amendment, number 1121.

READING CLERK: Amendment by Bosse. (Amendment No. 22)

MR. SPEAKER: Chair recognizes Mr. Bosse to explain his amendment.

BOSSE: Mr. Speaker and members, this amendment was filed to make some increases in minority representations in about five or six districts in Harris County. They would have been 132, 138, 140, and, I think, 149. There is an amendment to the amendment that will encompass all of those, except 132, and also make some other changes that are agreed. And so, I would move the amendment to, I would request an amendment to the amendment.

WILLIAMS: Mr. Speaker?

MR. SPEAKER: Mr. Williams.

WILLIAMS: Are we on amendment 1122 at this time?

BOSSE: 1121.

MR. SPEAKER: 1121.

WILLIAMS: 1121, okay. And did you say this was an amendment to the amendment or are you laying out the amendment?

BOSSE: I just laid out the amendment for 1121...

WILLIAMS: Okay.

BOSSE: ...and there's going to be an amendment to it that I'll...

WILLIAMS: Okay.

BOSSE: ...explain more that expands...

WILLIAMS: All right, thank you.

BOSSE: ...[inaudible] takes some of it out and adds some...

MR. SPEAKER: Following amendment, the clerk will read the amendment, 1178 on your computer.

READING CLERK: Amendment by Bosse. (Amendment No. 23)

MR. SPEAKER: Chair recognizes Mr. Bosse to explain his amendment to the amendment.

BOSSE: This does the same thing as 1121, except it takes out the increase in District 132 and it adds in agreed provisions regarding District[s] 138, [1]40, and [1]48. It makes a small change in the medical center situation between Representative Edwards and Representative Hochberg, which has been agreed. It addresses a concern of Representative Hilbert because he wanted Tomball in his district, and this does that. And it takes a nursing home on the agreed amendment from Representative Janek to Representative Hochberg, and I move adoption of the amendment to the amendment.

MR. SPEAKER: Is there objection to the adoption of the amendment?

REPRESENTATIVE WOOLLEY: Mr. Speaker?

MR. SPEAKER: Ms. Woolley.

WOOLLEY: Will the gentleman yield for a question?

MR. SPEAKER: Let me give him the floor and he will.

WOOLLEY: All righty, thank you, Mr. Speaker.

BOSSE: I yield.

MR. SPEAKER: Gentleman yields, Ms. Willy, Woolley.

WOOLLEY: Fred, I'm having a hard time. I didn't hear you mention that there was any change in my district, which is 136, but it looks to me like there's, doesn't look the same.

BOSSE: I don't think there's a change in 136.

WOOLLEY: According to the old map and the new map, there is some change. May I show it to you?

BOSSE: Yes, please, because my understanding is there is no change in 136.

MR. SPEAKER: Chair recognizes Mr. Bosse.

BOSSE: I move adoption of the amendment as...

WOOLLEY: Mr. Speaker?

MR. SPEAKER: Ms. Woolley.

WOOLLEY: Will the gentleman yield?

BOSSE: I yield.

MR. SPEAKER: Gentleman yields, Ms. Woolley.

WOOLLEY: Mr. Bosse, if I understand this plan correctly, you are taking another Republican district, making it more into a Democrat district, you have already cut the numbers in Harris County from 25 to 24. You have cut the Republican numbers, already, down one. Now you're telling me that we're going to cut, you were going to have 15 Democrats and nine Republicans?

BOSSE: I don't agree that that's the result of this, nor the intent. It was to raise the minority district in a number of districts, the minority numbers. And in this one, it only raised it, I think two percent Hispanic and two percent African-American.

WOOLLEY: Are you aware that there is not a single elected official in Harris County that's a Democrat, countywide?

BOSSE: Countywide?

WOOLLEY: Are you aware that we outvote Democrats over and over again? And you're telling me we're supposed to stand up here and take this? I'm sorry, Mr. Bosse, this is not right. This is not fair and it's not just.

HEFLIN: Mr. Speaker?

MR. SPEAKER: Mr. Heflin.

HEFLIN: Will the gentleman yield?

BOSSE: I yield.

MR. SPEAKER: Gentleman yields, Mr. Heflin.

HEFLIN: Mr. Bosse, I was looking at my district and it looks like it puts my minority numbers well above where they currently are. Considerably above where they currently are and considerably above any conceivable plan that we might be considering, considering that we have all countywide elected officials Republican. Could you explain how that could be?

BOSSE: This was to create a minority opportunity possible district, but the numbers only moved two points, or actually one point nine, I think, on African-American and about two point eight on the Hispanic numbers, so it was really a very slight move.

HEFLIN: Where in your packet does it give me the information on all of the election geography analysis? Where, I don't see it in your packet, could you point me the...

BOSSE: On what I just explained, I know it's in the packet on 1121, because that was pre-filed on Saturday.

HEFLIN: But we're on 1178, is my understanding. Mr. Speaker?

MR. SPEAKER: Mr. Heflin.

HEFLIN: I rise to call a point of order about, on further consideration of this amendment in that it violates the floor amendment that we're authorizing under. The amendment states that no proposed amendment, amendment to the amendment, or substitute amendment shall be eligible for consideration unless a completed amendment packet prepared by the Texas Legislative Council has been submitted to the chief clerk by any deadline imposed by this rule. The amendment packet prepared by the TLC shall include the following: amendment text; a statewide map if any district changed by the amendment is located in more than one county and a separate map of each divided county in a district is changed by the proposed amendment; item three, the standard reports generated by TLC's redistricting RedAppl that provide population election and geography analysis, and it states no proposed amendment, amendment to the amendment, or substitute shall be eligible for consideration if any district contains parts that are not contiguous. It's my contention, Mr. Speaker, that this does not meet item number three of the report.

MR. SPEAKER: Okay, Mr. Heflin, bring it forward and we'll go through them right now and you can help us go through them.

Mr. Heflin raised a point of order that the amendment to the amendment does not, required reports. Point of order is respectfully overruled. Question is on adoption of the amendment to the amendment. Anyone wish to speak for or against? Chair recognizes Mr. Nixon in opposition to the amendment to the amendment.

NIXON: Mr. Speaker, members, you know, the immortal words of Robert Puente earlier in the day, once you make a change, it starts rippling through. And you know when they've made some changes in order to take Harris County from 11 R's and 14 D's, to a county that votes overwhelmingly Republican, and they pushed it to make it 15 R's, I mean, excuse me, 15 D's and 9 R's and have made some truly ridiculous changes. It, specifically, it cuts my neighborhood in half. I mean just, you know, where I am dead-smack in

the middle of my district today, they now take it and they shove it around and they cut it in half and so that my parents, that live four blocks away in the same neighborhood, there's no major street separating us, and we're now in a different district.

WOOLLEY: Mr. Speaker?

MR. SPEAKER: Ms. Woolley.

WOOLLEY: Will the gentleman yield?

MR. SPEAKER: Do you yield, Mr. Nixon?

NIXON: Yes.

MR. SPEAKER: Gentleman yields, Ms. Woolley.

WOOLLEY: Mr. Nixon, how many districts does Harris County now have?

NIXON: Harris County today has 25.

WOOLLEY: How many districts did the Harris County delegation, the entire Harris County delegation of 25, ask at the beginning of this session for us to pledge to keeping?

NIXON: All 14 Democrats and 11 Republicans signed on to a letter saying that they would support each other and work to maintain 25 districts in Harris County. Everyone did.

WOOLLEY: And what happened to that pledge?

NIXON: Well, it was ignored and then it was, and then those people that signed on to work in solidarity with each other, the 11 of us, Beverly, have been blind-sided. As of today, and as of this weekend.

WOOLLEY: And...

NIXON: And poor Talmadge Heflin, you know, is in a district that is, as well-respected as he is in his neighborhoods, you know, he's going to have a very, very difficult time winning.

WOOLLEY: When the first, when the committee plan first came out, what did it do to Harris County?

NIXON: Well, it cut us into 24.

WOOLLEY: And how many D's were there?

NIXON: There were 14.

WOOLLEY: And how many D's are there now?

NIXON: Fifteen.

WOOLLEY: No.

NIXON: There w—there are...

WOOLLEY: No. How many of the, all right, yeah, there will be, but...

NIXON: There will be 15 D's if this becomes the law.

WOOLLEY: As of the committee plan, I'm not talking about the amendment, the committee plan still. It protected all 14 D's. Now what does this amendment to the amendment to the...God d—. How many amendments?

NIXON: Yes. Beverly! The amendment to the amendment now provides for 15 D's in Harris County.

WOOLLEY: And how many R's?

NIXON: Nine.

WOOLLEY: And how many Democrat-elected officials do we have in Harris County?

NIXON: You mean countywide Democrats?

WOOLLEY: Countywide.

NIXON: None.

WOOLLEY: How many?

NIXON: None.

WOOLLEY: And we're supposed to accept 15 Democrats and nine Republicans?

NIXON: I guess they're asking us to accept it and I know that there was a, you know, they just want us to say, well, yeah, we'll accept it and vote against it. But, you know, sometimes, and I heard, I heard Mike Villarreal make a good comment in a passionate plea for Bexar County, I heard Robert Puente talk about Bexar County, we've had some other amendments regarding some other counties, but by gosh, you know, when you're the majority voters in a county, you should not be packed so tightly that you will only, can only elect nine out of 24 state representatives, when the entire county overwhelmingly votes for a Republican ticket. So much so that the Democrats, most of them, don't even choose to contest incumbents, [inaudible].

WOOLLEY: And when did we find out about the newest change that was made?

NIXON: Just moments ago. Moments ago.

WOOLLEY: Is that fair, Mr. Nixon?

NIXON: Not in my opinion.

WOOLLEY: Didn't Chairman Jones start this meeting this morning saying that this was going to be fair, it was done fairly?

NIXON: Fairly, constitutionally, equitably, compactly, he used a lot of adjectives that do not now apply to the Harris County plan proposed by Mr. Bosse.

WOOLLEY: Thank you, Mr. Nixon.

NIXON: Thank you.

NORIEGA: Mr. Speaker?

MR. SPEAKER: Mr. Noriega.

NORIEGA: Will the gentleman yield?

MR. SPEAKER: Do you yield Mr. Nixon?

NIXON: I gladly yield to my good friend.

MR. SPEAKER: Gentleman yields, Mr. Noriega.

NORIEGA: Mr. Nixon, based on the recent census data, could you please share what we know to be now the largest-growing group in Harris County?

NIXON: Mr. Noriega, I am very pleased to tell you that I know, and I am happy, that the largest-growing group of, if you want to identify individuals as a group in Harris County, are Hispanics that live in my neighborhood, that go to church with me, that attend our kids' schools. It is wonderful that that is the largest-growing group in Harris County.

NORIEGA: Are you familiar with the testimony of MALDEF before the redistricting committee as it applied to Harris County and Hispanic population?

NIXON: No, sir.

NORIEGA: Are you familiar with, currently, based on their testimony, of how many districts there are in Harris County and how many could perhaps impact, be defined as impact districts, etc?

NIXON: Is this, you're asking me if I am familiar with MALDEF's testimony?

NORIEGA: Yes, are you familiar...

NIXON: No, no I am not.

NORIEGA: We've heard testimony, or we've heard debate earlier in the day, that stated, that most in this chamber would agree, that when there is an opportunity we should try to create those opportunity districts. Do you agree with that as well?

NIXON: It would all depend on the circum—on the situation. If you're asking just global questions, you know, they're really irrelevant. What we really want to talk about is what's being done here in Harris County. And Rick, let me ask you this. If Hispanics were 60 percent of Harris County, would you not be arguing for 60 percent of the state rep districts?

NORIEGA: Well, fortunately, I have the opportunity to ask the questions.

NIXON: No, sir, I'm asking you. We're engaging in a discussion, will you please answer my question?

NORIEGA: Well, in the way it is...

NIXON: I mean, if you want more impact districts...

NORIEGA: ... and the way you know, and the way you're aware, and I would suggest to you that part of this amendment, and what this amendment does, and the way I'm going to answer your question is, what this amendment is trying to do is trying to ensure that what you exactly said you do not want to have happen by packing voters, this amendment tries to ensure that those particular voters are not packed in districts either, and therefore creating...

NIXON: But Rick, aren't you packing Republicans? Doesn't this plan pack Republicans?

NORIEGA: No, it does not.

NIXON: Doesn't this plan pack Anglo voters?

NORIEGA: No, it does not.

NIXON: And are Anglo voters any...

NORIEGA: No, on the contrary, as a matter of fact, if you, if you would...

NIXON: ...less worthy of being represented than of anyone else?

NORIEGA: ...If you had the opportunity to hear the MALDEF testimony, and...

NIXON: What'd you do?

NORIEGA: ...what they had, they do, is,...

NIXON: Did you vote to do this in Austin?

NORIEGA: ...as it applies to Hispanic districts, as it applies to Hispanic districts...

NIXON: Did you vote to do this in Austin?

NORIEGA: ...there are as many as, with the increase in Hispanic population, in districts, in Representative Danburg's districts and Representative Yarbrough's districts, and now with this amendment it increases minority participation by not packing those persons in Representative Talton's district.

NIXON: Mr. Noriega, are you asking a question?

NORIEGA: Would you not...

NIXON: Or are you making a statement?

NORIEGA: Do you have a problem with not packing minority population?

NIXON: I have a problem with this map as drawn because it under-represents the largest-voting block in Harris County. That is my complaint with this. You know that Harris County is a dynamic, changing, wonderful place is fine, Rick. But what it doesn't, what this plan does not do was adequately represent those people that live there. And just the same as no one here wants to be packed and the people in Bexar County want to be thoroughly represented, the same should be true with regard to...

REPRESENTATIVE COLEMAN: Mr. Speaker?

NIXON: ...Harris County.

MR. SPEAKER: Mr. Coleman.

COLEMAN: Yes, will the gentleman yield?

MR. SPEAKER: Do you yield, Mr. Nixon?

NIXON: Yes, sir.

MR. SPEAKER: Gentleman yields, Mr. Coleman.

COLEMAN: Joe, wouldn't you agree that in redistricting you don't count the number of votes, you look at who lives within a particular district, in other words, you, wouldn't you agree you don't look at who won countywide to determine legislative districts?

NIXON: Well, you've asked two questions and I would agree with you with regard to the first one. No, you don't want to look at who votes, certainly, because, you know, a lot of those prisoners we've got are helping some of our friends in West Texas maintain their districts, but yes, are you looking at who votes? Absolutely. I mean, the amendment or the rule that we're under today says that a proposed amendment isn't even eligible unless the redistricting application that provides population election in geography analysis...

COLEMAN: Okay.

NIXON: ...and the election analysis we are looking at is who's voting and what percent of the voting population is...

COLEMAN: Let me ask you another question. If you look at the idea again of "one person, one vote," it has nothing, it has to do with population within a district. We may use that information, don't you agree, to look at who's in the district, but the way we do "one person, one vote" is based on numbers, is that not right?

NIXON: That's correct, general broad numbers.

COLEMAN: So, based on that, it doesn't matter who the county elected in its countywide elections, it matters how we draw legislative districts, isn't that right?

NIXON: No, I disagree.

COLEMAN: You disagree with that?

NIXON: I disagree. I think you need to look at who was, who was...

COLEMAN: Does that mean when Democrat Eric Andell won the popular vote in Harris County, that didn't count, then. You only count other people?

NIXON: I'm certain that you utilize the polls...

COLEMAN: I just want to make sure we're, if that's, you don't count Eric Andell getting majority of the popular vote as a Democrat in Harris County, you don't, then that doesn't count then, right?

NIXON: You know, actually, if I want, if I'm not mistaken, I think Eric Andell, a person for whom I voted...

COLEMAN: Uh-hmm, I did, too.

NIXON: ...won in Houston but maybe did not win in Harris County.

COLEMAN: Oh, no, he did win in Harris County. If you'd check your data, he did win in Harris County.

NIXON: Well, you know, Eric, you know, excuse me, Mr. Coleman, but I'm, you know...

COLEMAN: So it didn't matter...

NIXON: ...but I don't think it's fair to use Eric Andell's...

COLEMAN: No, I'm just saying that...

NIXON: ...numbers in your analysis.

COLEMAN: ...that if we're going to look at that, we look at the, again, we look at the "one person, one vote," based on the numbers of population in the district. And you brought up that it had something to do with how many Republicans were elected countywide, so I just wanted to make sure that you understood in the last election, and wanted to see if you agreed with this, that a Democrat actually got more votes than a Republican in the county, and if you look at the data, I think that's true.

NIXON: I think that's, and it's appropriate to look at that. No one's afraid of looking at those numbers, but you know what's been utilized here, it's been utilized, those numbers, to pack, to pack a particular type of voters. And that is what is objectionable.

COLEMAN: Well, I just want to make sure we all understand what's going on around here. Thank you, Mr. Speaker.

NIXON: Yeah. Mr. Speaker, I move to table.

MR. SPEAKER: Chair recognizes Mr. Bosse to close.

BOSSE: Members, let me clear up a couple of points here. Number one, I did not blind-side anyone with any part of this amendment that anyone is talking about. The only changes that were made in this amendment were some agreed changes around Harris County and then some adjustments in what is in agreement with the, in connection with the Mexican-American Legal Defense Fund on raising District 138, Kenn Yarbrough's district, to over 50 percent VAP Hispanic. And also to raise Representative Bailey's district two percent on that level. Everything that's being talked about, the change in here on District 149, the change on District 133, the two percent Hispanic minority increase in 149, the two percent African-American increase in 149—that was pre-filed Tuesday. Every change that was talked to on District 136, Representative Woolley's district, that was pre-filed Tuesday because those things ripple slightly into these other areas. Everyone had, and this does not make a drastic change in the representation. I don't think this makes it a Democratic district, frankly, what it does, it increases minority opportunity in a number of districts around the county, it was pre-filed as such. This is not much different than other people pre-filing plans two o'clock Tuesday with the press conference addressing Harris County in such a way that eliminated four Democratic districts. This does not eliminate anybody's district. That plan eliminated four Democratic districts, including at least three of us here on the microphones, I think, right now. Let me address the 25-member situation. I filed a 25-member plan with the redistricting committee and no other person in Harris County filed a 25-member plan to be considered by that committee. Now, for whatever reason, the 25-member plan that I filed was not accepted by the chairman of that committee and made a part of it, but I made a good faith effort to file a 25-member plan and I can show anybody here who wants

it, I preserved a core of every existing district in Harris County, Democrat and Republican in that plan. And I'm the only one that made any attempt to file a 25-member plan. So let me just urge you, members, that what we're doing in the 1178, which is adding some agreed matters which Representative Hilbert wanted, to assure that Tomball was in his district, and it had been left out previously, there's a nursing home that's an agreed switch between Representative Hochberg and Representative Janek. There's a change in the medical center where part of that now goes from Representative Edwards from the original plan over to Representative Hochberg, those changes are the main changes made from what I filed at two o'clock Tuesday. And therefore, I'm going to ask you to vote no on the motion to table.

REPRESENTATIVE BAILEY: Mr. Speaker?

MR. SPEAKER: Mr. Bailey.

BAILEY: Would the gentleman yield?

BOSSE: I yield.

MR. SPEAKER: Gentleman yields, Mr. Bailey.

BAILEY: Thank you. Fred, just a couple of quick questions. Fred, on the issue of 25 or 24 seats, at the beginning of this session do you recall that I proposed a resolution to our delegation to fight for the 25 seats?

BOSSE: Yes, sir.

BAILEY: And that's what I wanted, and you wanted, and we all wanted, didn't we?

BOSSE: That's correct.

BAILEY: But the numbers weren't there, were they, when they came in?

BOSSE: And I know why they weren't there.

BAILEY: And while we all would like to have 25 seats, and we all supported that, the numbers just aren't there, are they?

BOSSE: The numbers, the people are there, but the numbers aren't there. And the reason the numbers aren't there is because the sample data was never released to us and this day, to this day, has not been released to us. Had it been released to us, we would be here arguing between 25 and 26 members in Harris County.

BAILEY: Also, Fred, isn't it true that house districts are based on population, not election returns?

BOSSE: That's correct.

BAILEY: And this argument, that Republicans hold every countywide seat, really has no bearing on what we're doing here at all, does it?

BOSSE: That's correct.

BAILEY: And finally, Fred, isn't it true that Harris County is now a majority minority county?

BOSSE: I believe that's true, I'm not certain, but I think that's true.

BAILEY: And I believe the Hispanic and African-American population is over 50 percent in the county now and that's where the real growth has been. In fact, isn't it true that we've seen about a 81 percent increase in Hispanics in Harris County over the last 10 years, 16 percent for African-Americans, and actually had a decrease in the Anglo population?

BOSSE: I believe there has been a decrease, yes.

BAILEY: Thank you.

BOSSE: Thank you.

REPRESENTATIVE FARRAR: Mr. Speaker?

MR. SPEAKER: Ms. Farrar.

FARRAR: Will the gentleman yield?

BOSSE: I yield.

MR. SPEAKER: Gentleman yields, Ms. Farrar.

FARRAR: Mr. Bosse, I've worked a lot on these different plans and my district was affected, and talking about the ripple effect, everything we did had a chain reaction. We came to something this morning that would help with the MALDEF concerns about Representative Yarbrough's district, and I appreciate your help on that. But some statements were made earlier about, in Harris County, the countywide, to be Republican and I wanted to make a couple of points and one is that, there are county commissioners districts, there are four, is that correct?

BOSSE: That is correct.

FARRAR: And how many of those are held by Democrats?

BOSSE: At this time, I believe two are held by Democrats and two by Republicans.

FARRAR: Right, so it's half and half. The other thing, the other item I wanted to point out was that in Harris County, the best of the best of Republican candidates, George Bush, only took Harris County by 54 percent, is that correct? Are you aware of that?

BOSSE: I don't remember the exact the number, but I know it was in the 50s.

FARRAR: Well, I really want to thank you so much, from the Hispanic community's point of view, for your help in trying to draw more districts because, finally, we are seeing the reflection of our population growth showing up in these legislative seats.

BOSSE: You're welcome.

HAMRIC: Mr. Speaker, will the gentleman yield?

MR. SPEAKER: Do you yield, Mr. Bosse?

BOSSE: I yield.

MR. SPEAKER: Gentleman yields, Ms. Hamric.

HAMRIC: Mr. Bosse, did I just hear you say something about sampling?

BOSSE: Yes, I did.

HAMRIC: Mr. Bosse, if you truly believed in sampling, you should be supporting a plan for 25 in Harris County, if you think those people are really there.

BOSSE: Well, the reason why sampling doesn't apply is because the federal government refuses to release it to us. We are bound under the state constitution, if you will read Article III, Section 26, we are bound to apportion our districts according to the official census. And the official census is the unsampled numbers. Even though I believe that we have many more people in Harris County than are reflected by the official census, our state constitution binds us to that official census for the apportionment of districts.

HAMRIC: Mr. Bosse, do you remember the map when we first started out and, by the way, I believe, didn't you help draw the Harris County portion of the first map that Mr., that Chairman Jones gave us?

BOSSE: I submitted two maps to Chairman Jones in the beginning. I submitted one with 25 members and I submitted one with 24 members, and I urged...

HAMRIC: And the one he used in his plan was your 24 plan?

BOSSE: He selected the 24-member plan. But he did not, he, I don't know where he got the plan in the committee report, a lot of it was very similar to what I submitted, a lot of it was not. In fact, the specific changes in one, District 149 and 143 were what I had turned-in in the first place and they did not end up in the committee report.

HAMRIC: Mr. Bosse, do you remember on the enumerated census on the counts, when Mr. Jones listed on the deviations on our various districts, and would it surprise you to know that there were only two Democrats that were even within the deviation, I believe you were one of those and there were 12 that were under the deviation, and one was under the deviation 17,000, 16,000, 22,000, etc., and that there were six Republicans that were over the deviation? One as much as 55,000, four that were within the deviation and only one that was under? How in the world could you possibly draw a plan that represents the population in Harris County with those numbers?

BOSSE: Well, it was very difficult, of course. That plan was drawn 10 years ago, and it's very difficult to accurately predict a 10-year growth period, a lot of the areas had more growth than others, is the only thing I could image.

HAMRIC: By the way, Ms., Ms., I think we need to remind Ms. Farrar that county commissioners are elected by district, and not countywide. Thank you, Mr. Bosse.

TALTON: Mr. Speaker?

MR. SPEAKER: Mr. Talton.

TALTON: I'd like to raise a point of order.

MR. SPEAKER: Okay, state your point of order.

TALTON: I raise a point of order against further consideration of **HB 150** because it violates Rule 4, Section 11.

MR. SPEAKER: Bring your point forward. Mr. Talton has raised a point of order against further consideration of **CSHB 150** under Rule 4, Section 11 that a meeting of the committee was held for which no notice was given. During the April 26th hearing, which was posted five days in advance, the minutes reflected that the committee recessed subject to the call of the chair. The recess lasted for one minute, after which the committee reconvened and roll was called. The minutes reflect the hearing on April 26th as a single hearing, and no action was taken after the recess other than to finally adjourn the hearing. Accordingly, the point of order is respectfully overruled.

TALTON: Mr. Speaker?

MR. SPEAKER: Mr. Talton.

TALTON: Mr. Speaker, I would like to move to have the point of order and the ruling entered into the house journal.

MR. SPEAKER: That's standard practice, Mr. Talton.

TALTON: Thank you, Mr. Speaker.

BOSSE: Mr. Speaker, members, let me just emphasize that the amendment to the amendment that we're considering here consists of about four matters that are agreed among some members, as far as some changes on some minor territory in the medical center, a nursing home, Tomball for Representative Hilbert, and some minority population in connection with Representation Yarbrough's office, and then the one matter that affects District 149 and 133, which was pre-filed prior to two o'clock on Saturday. And I ask you to vote no on the motion to table.

REPRESENTATIVE YARBROUGH: Mr. Speaker, will the gentleman yield?

BOSSE: I yield.

MR. SPEAKER: Gentleman yields, Mr. Yarbrough.

YARBROUGH: Mr. Speaker, Mr. Bosse, Chairman Bosse, was not the intent to change my district to a Hispanic impact district and, which is what we did?

BOSSE: That is what we did, we made it over 50 percent VAP.

YARBROUGH: Thank you.

REPRESENTATIVE THOMPSON: Mr. Speaker, does the gentleman yield?

BOSSE: I yield.

MR. SPEAKER: Do you yield, Mr. Bosse?

BOSSE: I yield.

THOMPSON: Representative Bosse,...

MR. SPEAKER: Gentleman yields.

THOMPSON: ...does this plan, is based upon a fair plan that falls within the Voting Rights Act for all Texans?

BOSSE: I surely hope so.

THOMPSON: And is it your opinion that a fair, this is a fair plan that would reflect the true population growth?

BOSSE: I think it's very fair to reflect that.

THOMPSON: And that population growth being the 32 percent of Hispanic and the 18 percent of African-Americans?

BOSSE: That is correct.

THOMPSON: And I noticed that there was some conversation earlier about the growth of population within Harris County over the last decade, and we knew that there was probably about an 81 percent of growth in the Hispanic-American population, is that right?

BOSSE: That's the number that I've seen, yes.

THOMPSON: And about a 16 percent growth in African-American?

BOSSE: That's correct.

THOMPSON: And then there was a decrease in the Anglo population of about 6.27 percent?

BOSSE: Yes, I think I've seen that, too.

THOMPSON: Okay, then. And is it your opinion that the voters should be able to remain in the same districts to the greatest possible extent?

BOSSE: And that's what we've attempted to do all the way through the process on the plans that I have submitted.

THOMPSON: And do you believe that the plan that you've been talking to us about, the one that you're asking us to vote on here, is a plan that will preserve the integrity of the districts?

BOSSE: I certainly do.

THOMPSON: And do you also believe that it will protect the core of the existing districts?

BOSSE: Yes.

THOMPSON: Thank you very much.

BOSSE: Please vote no on the motion to table.

MR. SPEAKER: Mr. Bosse sends up an amendment to the amendment. Mr. Nixon do you move? Mr. Nixon moves to table. Question is on the motion to table. A record vote's been requested, a record vote's granted. All those in favor vote aye, opposed, vote no. It is a record vote; the clerk will ring the bell. Have all voted? Have all voted? There being 71 ayes, 76 nays, motion to table fails. The question occurs on the amendment to the amendment.

Anyone wish to speak for or against? Question occurs on adoption of the amendment as, the amendment to the amendment. Question occurs on the motion of the amendment to the amendment. All those in favor vote aye, opposed, vote no. Record vote; clerk will ring the bell. There being 76 ayes and 71 nays, the amendment to the amendment is adopted. Question occurs on the amendment, as amended. Anyone wish to speak for or against? Question occurs on the amendment, as amended. All those in favor vote aye, opposed, vote no. It's a record vote; the clerk will ring the bell. Have all members voted? There being 75 ayes, 71 nays, the motion, the amendment is adopted.

THOMPSON: Mr. Speaker?

MR. SPEAKER: Ms. Thompson.

THOMPSON: I'd like to have my remarks reduced to writing with the dialogue between Representative Bosse and I and placed in the journal.

MR. SPEAKER: Is there objection? Chair hears none, so ordered. Members, 1122 is withdrawn, and 1072 by Mr. Hochberg is withdrawn. Mr. Marchant withdraws number 1109. At this time the chair lays out number 1108. Clerk will read the amendment.

READING CLERK: Amendment by Marchant. (Amendment No. 24)

MR. SPEAKER: Chair recognizes Mr. Marchant to explain his amendment.

REPRESENTATIVE MARCHANT: Thank you, Mr. Speaker. Mr. Speaker, we are putting up front some maps so the members can see, fully see the changes made in this amendment. Members, I rise today in support of a complete substitute that I have prepared for the filed bill **HB 150**. Today we have a very incredible opportunity, an opportunity to pass a fair and compact and constitutional map for Texas. We can pass a map that reflects the growth of our state and recognizes that Texas has new-found strength in our diversity. We can, we are more diverse in many ways; more Texans than ever before live in our suburbs, more live on the border, and more Texans live in our cities than ever before. I was compelled to offer this substitute because the bill passing committee, in my opinion, is inadequate for the needs of our fast-growing state and does not reflect properly the growth trends of our state for the next 10 years. The committee map, and the way Chairman Jones' map has been altered today, still does not reflect the growth of our state. It has been an effort for us to go back and do what we have always done in years past, and that is ratify the past. Rest assured today if we, as a house, do not open our eyes to the changes that have been made in this state, then we have passed up the opportunity to pass a fair plan, a compact plan, and a constitutional plan. And this body then invites another constitutional body to intervene and draw the map instead of us. Mr. Speaker, at this time I have asked five different members of our caucus to come forward and explain the different areas of the state that they were responsible for pulling together in this substitute. And as we do that, we will explain and answer any questions the members may have about those maps. The first will be introduced is Geanie Morrison.

MR. SPEAKER: Chair recognizes Ms. Morrison.

MORRISON: Thank you, Mr. Speaker and members. As everyone in this chamber knows, we were elected to represent the best interest of the people in our district. To that end, I believe that it is my responsibility to support those issues that are for the betterment of South Texas, and oppose those that do not accurately reflect the interests of my constituency. On the issue of redistricting, my obligation to the people of South Texas is to ensure that the district[s] drawn are compact, keep communities of interest intact and, most importantly, fairly represent the changing dynamic of the Texas population. With that said, I am extremely concerned about the ramification associated with the proposed committee plan. In the region of South Texas, it stands to gain the most, South Texas would actually gain the least.

First and foremost, I believe that our greatest concerns should be the committee plan's lack of recognition of the rapidly increasing Hispanic population in South Texas. For a population that has shown tremendous growth, the committee plan has only increased the number of Hispanic seats by one. Whereas, the Republican plan would create an additional open Hispanic seat in the Valley, where it is needed most, there on the side of the map in the western, bottom part of the region. Additionally, the committee plan fails to maintain minority voting strength, which is not only unfair, it is illegal under the standards established by the Voting Rights Act. By decreasing the number of Hispanic voters in two districts, by an average of seven and a half percent, the committee plan infringes upon the ability for Hispanic voters to elect candidates of their choice. As the fastest-growing population in the State of Texas, we must provide a plan that reflects this changing dynamic, and I believe that plan is the Republican plan.

In addition to population shift, one, if not the most, important concern of those who testified before the redistricting committee was the compactness of the district. It was said time and again that we cannot draw a district for the purpose of incumbency protection. In meeting that criteria, the Republican plan is, once again, far superior to the committee plan. In Bexar County alone, the Republican plan is eight percent more compact than the committee plan. Even greater for the 15 South Texas districts, the Republican plan is 10 percent more compact than the committee plan. And statewide, the Republican plan is 13 percent more compact than the committee plan. Texans deserve a plan that was drawn to keep districts compact, not a plan to draw, to keep incumbents.

And last, but certainly not least, of my concerns is the splitting of community interest. Of the entire state, South Texas ranks among the top for the number of split communities of interest in the committee plan. A person only has to look as far as Representative Bonnen or Representative Seaman's district to see why South Texas should not support the committee plan. Representative Seaman would represent a district comprised of coastal, metropolitan, rural, and border constituents. And Representative Bonnen would represent a county that is unconstitutionally cut twice. Nowhere in the Republican plan will you find anything that is this extreme. As a matter of fact, in the committee plan, Representative Seaman's district is less compact than any district in the Republican plan. As a representative for South Texas, I am greatly concerned that three of the greatest injustices in the committee plan occur in our area with Representative Seaman's multifaceted constituency, Representative Bonnen's double-split, and most importantly, the lack of

recognition for the tremendous growth in the Hispanic population. These three examples exemplify the violations of the redistricting principles established by the constitution. At the end of the day, members, we have to be able to say to our constituents that we voted for the plan that achieved three very important goals. The plan that fairly represented the changing dynamics of the Texas population, the plan that created compact districts and the plan that kept communities of interest intact. Once again, that plan is the Republican plan and not the committee plan.

There is a plan being passed out to every member at your desk so you will have it at your desk. Now it will be Representative Suzanna Hupp who will present the Central Texas plan.

MR. SPEAKER: Chair recognizes Ms. Hupp.

HUPP: Thank you, Mr. Speaker, members. Let me review some...

REPRESENTATIVE DELISI: Mr. Speaker?

HUPP: ...of the negatives of the committee plan.

DELISI: Mr. Speaker, will the lady yield?

MR. SPEAKER: Do you yield, Ms. Hupp?

HUPP: In just a minute, Ms. Delisi, thank you.

MR. SPEAKER: Not at this time, Ms. Delisi.

HUPP: Let me review some of the negatives of the committee plan. The committee plan ignores communities of interest within the Hill Country. The United States Supreme Court and traditional redistricting criteria have told us that every effort should be made to keep communities and communities of interest whole and intact within a single district. My new district takes what was formerly a Hill Country district and mixes it with counties from West Texas, formerly in Representative Counts' district, and counties east all the way to the Mexican border. It adds to this one district, 6.4 million acres, it ignores community of interest, I think transportation, we can all agree, is a major issue in all of Texas, and in Central Texas with the dangerous state of Interstate 35 and the constant need for more roads, I could think most people here can see that it would have entirely different transportation needs and interest, than the county that is currently on the border that they show me representing. The people on the border and the folks in Central Texas deserve a plan that will give them adequate and fair representation. The...

DELISI: Mr. Speaker?

HUPP: In just a moment, Ms. Delisi. The demographic changes. The committee plan gives Democrats four out of six seats in Travis County, ignoring tremendous Republican growth. Travis County, once a Democrat stronghold, is now 50/50, folks. Some things you should know about the alternate plan. In Central Texas' 16 districts, the alternate plan has 11 Republican seats and 4 Democratic districts. It reflects tremendous population gains by adding a new district in Travis County, and a new district in Williamson County. It keeps all Central Texas seats in Central Texas, preserving communities and communities of interest. Central Texas, under the alternate plan, has a

compactness score of 3.74, as opposed to the committee plan which has a score of 4.59. So the committee plan, folks, is 31 percent less compact than the alternate plan in Central Texas. There are no retrogression issues, it maintains minority voting strength in all districts and creates a new Hispanic seat in Travis County with a 54.4 percent Hispanic voting-age population, and under the alternate plan there are two pairings, just to keep you apprized. It would pair Hilderbran and Turner, and Maxey and Kitchen. And I will yield now.

DELISI: Thank you. Mr. Speaker?

MR. SPEAKER: The lady yields, Ms. Delisi.

DELISI: Representative Hupp, do you agree that this legislative session in 2001 presents this body with an opportunity to draw the most compact, fair, demographically-sound, new Texas House districts in the history of the state?

HUPP: Absolutely, Ms. Delisi.

DELISI: And do you also agree that advances in computer technology gives us the tools that we need to preserve communities of interest, increase minority representation, and at the same time, maintain a balance between the choices the people of Texas have already made and the choices they will make, based upon population shifts and political changes?

HUPP: Yes, ma'am.

DELISI: And also, Representative Hupp, isn't it true that, as I focus on my own house district, house District 55, in the Jones plan, in contrast to the Marchant plan, there appears to be a complete disregard for the rights of the citizens of Temple?

HUPP: Absolutely.

DELISI: Narrowing my focus further onto the city of Temple itself, I find that the city of Temple, members, is indeed flipped asunder.

HUPP: That is absolutely correct, Ms. Delisi.

DELISI: Under the Marchant plan, the city of Temple is put back together.

HUPP: And the same applies for the cities of Belton and Killeen.

DELISI: Are you aware, Representative Hupp, that the bulk of the city's population in my own district, while the remainder, along with the apparatus of city government, the city hall, the largest employer in the city, the veterans administration hospital, the new Courtney Veterans Nursing Home, Temple College, Texas A&M System Health Science Center, and most of the central business districts are split from the population of the city of Temple.

HUPP: That is correct, Ms. Delisi.

DELISI: Representative Hupp, the removal of the eastern part of the city of Temple weakens the city, it dilutes its citizens of its political voice...

HUPP: Yes, ma'am, and that applies as I said, as well, to Killeen. The two major cities in our district.

DELISI: Isn't it true, Representative Hupp, that the divisions of Temple and Killeen and the gerrymandering of the surrounding Central Texas countryside is unnecessary? **CSHB 150** manages to disenfranchise thousands of Bell County residents with no clear motivation, ignoring the legal directive for compact districts that is so well-maintained under the Marchant plan?

HUPP: I agree with you, Ms. Delisi and, in fact, such high compact scores on the committee plan can only be considered gerrymandering for the purpose of maintaining partisan power. Thank you, Ms. Delisi.

DELISI: Thank you, Representative.

HUPP: I'd like to now introduce Kenn George. He is going to present the DFW plan.

MR. SPEAKER: Chair recognizes Mr. George.

REPRESENTATIVE GEORGE: Mr. Speaker and members, the, in characterizing the DFW plan, I will start by saying that Denton County and Collin County are identical in the Jones plan as with our plan. Tarrant County was identical with the Jones plan and our plan until Mr. Goodman's amendment was accepted and we have already indicated to Mr. Goodman that that amendment would be acceptable in our plan. So, Tarrant County, Collin County, and Denton County are identical between the two plans. That brings us only, therefore, to Dallas County.

DRIVER: Mr. Speaker?

MR. SPEAKER: Mr. Driver.

DRIVER: Will the gentleman yield for a question, please?

MR. SPEAKER: Do you yield, Mr. George?

GEORGE: Certainly, sir.

MR. SPEAKER: Gentleman yields, Mr. Driver.

DRIVER: Thank you, Mr. Speaker. Mr. George, since you just mentioned Dallas County, can I ask you about one little corner of Dallas County that has a little bit of interest to me and it's something I expressed earlier and I just want to ask you a question. Under the committee plan, my city gets carved into six different representatives. In other words, we have six different representatives representing a little northeast corner of Dallas County. And under this plan, I believe, correct me if I'm wrong, but I believe this puts it back in the three representatives that are used to representing this community of interest, which is Garland, Sachse, and Rowlett area with parts of it in other, two surrounding communities. Which is one school district, is that correct?

GEORGE: That is correct, Mr. Driver.

DRIVER: Let me...

GEORGE: Your point can best be discussed in looking at the Texas Legislative Council March 2001 book on page 110 it says configuration of districts, unusual shapes of districts including the extent to which they are not compact, and

whether they divide political subdivisions. Garland would not, would be a political subdivision and/or communities of interest without apparent reason.

DRIVER: That's why I brought this up, because earlier I expressed a concern over that. We have a school system that has six 5A high schools, building its seventh 5A high school, which is the largest bracketed school in the State of Texas, and rather than having three representative that have taken care of this district in the past, we now are getting six and that's the part I want to bring, that's why I think this new plan is a better plan, thank you.

GEORGE: Yes, Mr. Driver, your point, again, I bring for reference the data for the 2001 redistrict in Texas, dated January, 2001. Again, from the Texas Legislative Council and it defines communities of shared interest. While there is no, the shared interest, the term generally refers to a grouping of people such as in a city or neighborhood, that shares common political, social, or economic traits.

REPRESENTATIVE E. REYNA: Mr. Speaker, will the gentleman yield for a question?

MR. SPEAKER: Do you yield, Mr. George?

GEORGE: Yes.

MR. SPEAKER: Gentleman yields, Ms. Reyna.

E. REYNA: Mr. George, the Jones proposed redistricting plan would split the city of Mesquite, a community of 120,000 in population, three ways. Do you not think that dividing the Mesquite community this way would not be in the best interest of the community? And likewise, Mr. George, the proposed plan under Mr. Jones would also split Rowlett, a community of 44,000, three ways. Again, do you think that this might violate the traditional redistricting criteria for communities of interest? What did the two cities deserve, you know, for them to do this to them? Also, I would have to go across a bridge, just to get to Rowlett. Can you tell me what they did to deserve this?

GEORGE: No, Ms. Reyna, I cannot explain the fairness, the compactness, or the shared community of interest by the Dallas plan.

E. REYNA: Thank you.

GEORGE: To that extent, if I may say, that in continuing...

REPRESENTATIVE ALLEN: Mr. Speaker?

GEORGE: ...reading from the...

MR. SPEAKER: Mr. Allen?

GEORGE: ...continuing reading from the...

ALLEN: Would the gentleman yield?

GEORGE: ...Legislative Council's—in just a second. In regards to Ms. Reyna's point, fairness in the process used to devise and adopt a redistricting plan may also help to prove whether the party in control of the process intentionally discriminated against the other party. Failure to state the criteria

used to arrive at a plan may add to the appearance that the process was driven primarily by partisan motives. There is no excuse for what happened to Garland and/or Mesquite and/or Rowlett and/or the city of Dallas, than purely partisan political activities that violate these very documents.

ALLEN: Mr. Speaker?

GEORGE: I yield.

ALLEN: Mr. Speaker?

GEORGE: Gentleman yields.

MR. SPEAKER: Gentleman yields.

GEORGE: I yield.

ALLEN: Kenn, are you aware that the city of Grand Prairie with 120,000 population is divided into seven representative districts in Dallas and Tarrant County, are you aware of that?

GEORGE: I am now aware of that, yes.

ALLEN: And are you aware that we, Grand Prairie Independent School District is now divided and would be represented by seven different representatives?

GEORGE: Yes, I am aware of that now.

ALLEN: And in looking at the map, have you noted that two precincts, two, are taken out of the south, southern part of Grand Prairie, the two largest precincts in my district, two most Republican precincts in my district, and are lumped in with a district which was designed to represent the city of Dallas, are you aware of that, Representative George?

GEORGE: Yes, and I assume that you're saying, that what you're referring to the committee plan, the Delwin Jones plan.

ALLEN: That's right, I'm talking about the committee plan.

GEORGE: Not the Republican plan.

ALLEN: The Republican plan that's been offered maintains the community of interest of Grand Prairie, following Grand Prairie's city borders and takes in the southern part of Irving and leaves enough room for Irving to have the full Irving district that they've requested all through this redistricting process. It's fair, it's compact, it respects communities of interest, and it is constitutional.

GEORGE: Yes, Mr. Allen, I do agree with you. Okay, and now I would like to bring Representative Hilderbran who will discuss the West Texas plan.

MR. SPEAKER: Chair recognizes Mr. Hilderbran.

REPRESENTATIVE HILDERBRAN: Thank you, Mr. Speaker. Thank you, members. It's been a long day, we'll try to move through this section as fast as I can. Under **HB 150**, the average population of a West Texas district is 134,817. According to recent population trends, the average West Texas district, under **HB 150**, will be 136,440 in the year 2002. The ideal statewide size will be 145,351 in 2002. Because **HB 150** puts too few people in each

West Texas district, the average West Texas district will be outside the plus or minus five percent deviation before the 2002 general election. In fact, the average West Texas district will deviate 6.1 percent below the ideal size several months before the next general election. In the Republican plan, we don't do that. The Republican plan does not have this problem because the average population of a West Texas district in the Republican plan is 141,257 and the average district size in West Texas will be 142,958 in 2002, only 1.6 percent below the ideal size. In short, **HB 150** does not provide West Texas with a plan of equal population for even one election cycle. Number two, the committee plan divides communities and communities of interest. For example, they divide north high central Texas is pairing Rep Hardcastle with Rep Chisum. Now, in **HB 150** already has four districts outside the de[vi]ation [inaudible], negative 5.4, house district 80 at negative 5.3, house district 85, negative 5.4, and in Representative Gallego's district, which neither plan is calling a West Texas district even though it's Southwest Texas, but it has, it's a border district, and house District 74 is negative 5.3 percent. In the Republican plan and this is, I want to make this perfectly clear because there's a perception that the Republican plan, because it has 25 Harris County representatives, we have 25 Harris County districts that you would think that we wouldn't be able to have adequate number of representation in West Texas. That is totally false. We have 13 West Texas districts, the committee plan, **HB 150**, has 12. So we were able to provide Harris County with their allotted seats that they should have and also have 13 seats in West Texas. Let me name those seats: Representative Swinford would have District 87; District 86, Representative Smithee; District 88, Representative Chisum; District 83 is a pairing between Representative Walker and Representative Jones; Representative Keffer would have District 60, he'd be the incumbent in that district; District 84 would have Representative Isett; District 85 would have Speaker Laney; District 81 would have Representative West; [District] 82, Representative Craddick; Representative Junell would have District 72; Representative Hunter would have District 71; Representative[s] Hardcastle and Counts would be in [District] 68; and Representative Farabee would be in [District] 69—that's 13 seats, count them. And with that, Mr. Speaker, I would introduce Representative Wayne Christian to present East Texas.

MR. SPEAKER: Chair recognizes Mr. Christian.

REPRESENTATIVE CHRISTIAN: Thank you, Mr. Speaker. Fellow members, I'm coming to talk to you today about the East Texas plan. Understand East Texas is not an urban area. Agriculture is our number one industry, it is our industry. Eighty percent of our income comes directly from agriculture. We were told by Chairman Jones this morning that there are several things that they looked at to draw the map: the communities of interest, continuity, our areas that they've drawn from my particular district, District number 9, if you'll on your map, you'll find that it is continuous, it is together, it is constitutional, I'm sure it follows those regards to a large extent. The thing that he first said, though, was incumbent protection, was the first thing they looked at, that they kept the mass together in the area. My particular district, I beg to differ on that analysis from Mr. Jones, as it was divided into three

separate parts. One part carried totally over with two rural counties added to another rural county with an urban county of Orange County. An urban county that has refineries, oil business, 85,000 population of an urban area tied to rural areas where you lose completely the needs of those small rural counties. We said that, the statement was political partisanship was one area that's respected. You know, it's always good to me to sit here and understand why we came. Why we came to this place to redraw this map. And indeed politics should play some part, but I'm afraid in the particular map that you see done from the committee, partisan politics played far too large a part. My district was connected to Orange County: labor union, democrat controlled, urban, no common interest of any kind to the agriculture of small counties and also, secondly, Newton County was added that was one of the two counties in the State of Texas that voted for Al Gore in the past election. So, in the three regards we were presented this morning, that we tried to protect incumbency, well, they blew it on me because they split us into three districts and gave me a completely Democrat district. Number two, what about keeping the area together? I only have two of the original four counties in my area, so they didn't do that. So what other area do we not see that we're not followed through with that we were stated that happened. Thirdly, I think it's very important, very important, that we came to this place for our constituents believing that they were drawing the map of members of this house, getting together, trying to do what was best. The speaker appointed the committee, the committee met three times prior to last week. Unlike any time that we can get in past history, [inaudible] was made on the committee, I've talked with several committee members, most of that committee member, most of the members on that committee will state to you they had no real part in drawing that map. And so I'm in quite a question as to who drew the map. It wasn't the redistricting committee that was appointed by the speaker, was it some staff people? Was it Huey, Dewey and Louie? We don't know. We don't know who drew the map, we don't know where the map, exactly, came from so we can see the results of it being a partisan political statement in East Texas.

WILLIAMS: Mr. Speaker?

MR. SPEAKER: Mr. Williams.

WILLIAMS: Will the gentleman yield?

MR. SPEAKER: Do you yield, Mr. Christian?

CHRISTIAN: Yes, sir, I'll yield.

MR. SPEAKER: Gentleman yields, Mr. Williams.

WILLIAMS: Mr. Christian, now you've told us that your district was changed substantially and you had communities of interest in Shelby County. What other counties were involved in your current district that are left out now?

CHRISTIAN: Mr. Williams, we had Shelby County, Nacogdoches, which holds our only four-year university, we were members of the Deep East Texas Council of Governments with two other counties: Jasper and Sabine Counties. Those four rural counties had basically, as their agricultural base, timber and poultry production. That has been split apart.

WILLIAMS: And now you're in with Orange County which is primarily...

CHRISTIAN: Refineries...

WILLIAMS: ...petro-chemical complex of the Gulf Coast, right?

CHRISTIAN: That's right. We now have Orange as 85,000 members of the 139,000 voting population there. From this day forward for the next ten years, the interest of my constituents have been given to an area that does not have their basic rural agricultural interests in mind. And it's also unfair to the folks in Orange because they should not have to be tied with another group of people that...

WILLIAMS: Right.

CHRISTIAN: ...don't have common interest to the Gulf Coast, refinery-oriented industry in their area.

WILLIAMS: Well, Mr. Christian, even though I live on the edge of East Texas now, I was born and raised in Deep East Texas and hold a fond affection for the area. I'd like to talk to you about Smith County where Tyler is located. Now, it's my understanding that in the committee plan we've drawn the city of Tyler into two different districts, is that correct?

CHRISTIAN: That's correct, Mr. Williams.

WILLIAMS: So, it would seem like, that we're not trying to keep a community of interest together up in Northeast Texas, you're more in the center part, now, we've shifted you down to Southeast Texas, so we've really divvied up in this committee plan and divided the communities of interest that already existed.

CHRISTIAN: That's correct, Mr. Williams, we divided, they have divided under this committee map, our interest, totally, into three different directions. We now not only have Jasper County, which will answer to Lufkin as their city of interest, we have Nacogdoches split up in other counties on the northern portion of the district, and moved me all the way down to Orange, Texas, from which I have no real common interest with my small rural counties up north. Now the difference in the Republican plan, the difference in the Republican plan that we see is that, if it was so hard the committee was looking as their number one way to hold compact, to hold their current representatives together in their districts for the representation to stay together, they weren't able to do it on committee, but in the Republican plan, I simply added, they simply added for us one rural county to the district and kept every one of my counties intact those point, those common interests of a common university, the Deep East Texas Council of Governments, the Deep East Texas Development Corporation, the Highway 59 project, all of these interests of our different chambers, our cities, all stay common under the Republican plan, all of those are split apart in three directions on the Democratic plan.

WILLIAMS: But, did I understand that you said you could have added just one county that was contiguous to your existing district, and that would have solved whatever problems there were?

CHRISTIAN: That's correct. We added one county, and by the way, when we added one county, when the Republican plan added one county, the differential, as far as population, under the Jones plan is a negative 2.36 percent. The Republican plan, the consistency with the current population need is .31 percent positive, it is much closer to the target required in the federal constitution.

WILLIAMS: Well, I know you're real passionate about what's happened there around the Nacogdoches area to you and I'd like just one more time, how does the Republican plan treat Tyler? Is Tyler, is that split into two legislative districts, the city of Tyler, under the Republican plan?

CHRISTIAN: No, in Tyler, we came, what the Republican plan did was take members, while we don't know exactly who drew the house plan that's been presented by Mr. Jones here, we don't know exactly who drew that one. We know that on the Republican plan it was house members and members of both parties were involved in going in, drawing that map and so it is a map that is produced by members of this legislative body. We know who did it and when it was done. We're glad that we're able to present a plan to the Republican party that does represent the wills of the members of this house, and we'll appreciate the consideration of it. I'd like to turn the microphone to Mr. Talmadge Heflin.

MR. SPEAKER: Chair recognizes Mr. Heflin.

HEFLIN: Thank you, Mr. Speaker and members. Well, we're finally to the largest county in the State Texas—Harris County. Members, there's been a lot of conversation about whether Harris County should retain their current number of seats of 25, or be reduced to 24 like the committee plan reduces us.

WOOLLEY: Mr. Speaker?

HEFLIN: I'm here to tell you, members...

MR. SPEAKER: Ms. Woolley.

HEFLIN: ...with a county that's grown by a population of...

WOOLLEY: Will the gentleman yield?

HEFLIN: ...600,000 the last ten years, compared to an area that's drawn by less than six percent, where do you think the districts should stay? It should stay where the growth is, and that is what we've done in our Republican plan. One of the things that we've done is that we've made sure that we protected the minority communities under the Voting Rights Act and under the constitution. You look at the Republican plan, all you have to do is look at the inner city and look at the compactness. Yes, there's some strange lines, but compare that with this over here that goes from north and south and east and west and slivers and little splits. Members, this is not a compact district, members, this is a compact map, with communities of interest, and that's what's important to us. I'm not here to give you a legal argument, I'm here to give you a common sense argument. You go with the growth, we've had people say, oh how people vote doesn't matter when it comes to arguing against ours, but we've heard time and time again Democrats bound to this platform and say,

We've got to follow the voters. Members, that's what we've done, right here on the Republican plan, when you look at the committee plan over here, there's gerrymandering to protect 14, I might add, 14 incumbent, 14 incumbent Democrats. And when they cut a seat, they cut a Republican. Now, is that fairness? Absolutely not. Members you can say all day long, if you want to, that communities of interest does not matter. I'm here to tell you that it does matter. Communities of interest are voting patterns as well. And I might just draw your attention to numbers. District[s] 148 and 149, Representative Farrar and my district, current numbers show me over-populated by 10.9 percent. Representative Farrar is under-populated by 12 percent. The plan of the committee puts us in similar growth patterns, but in order to maximize the Democrat numbers, they draw District 148 a minus 4.1, or 2.97 percent. They draw 149 in a fairly comparable growth district but slightly higher, 3.9 percent over. Members, guess what will happen in 10 years! We will be, again, with the disparity that we have today. That is not fair. I ask you to pay attention to what we're doing here. If you look at our plan, we have a fair plan. 148 is a minus 3.5 percent, 149 a minus 3.5 percent—comparable growth areas in 10 years the "one person, one vote" will still apply. The comments have been made it doesn't matter about who the people in Harris County elect, yet there are all countywide officials elected under the Republican banner, including judges. That's not by accident, that's what the communities want and that's what we give them to be sure that we've preserved the voting strength first, over a minority population and then of the populations of growth around the county. Contrast this with an incumbent protection plan disproportionate to what the voters are doing. Members, I ask you to vote with us on a plan that's fair, compact, and recognizes communities of interest. Mr. Speaker, thank you for allowing me to make those comments.

WOOLLEY: Mr. Speaker?

MR. SPEAKER: Ms. Woolley.

WOOLLEY: Will the gentleman yield?

MR. SPEAKER: Do you yield, Mr. Heflin?

HEFLIN: I yield.

MR. SPEAKER: Gentleman yields, Ms. Woolley.

WOOLLEY: Talmy, do you believe that redistricting should be a snapshot that's frozen in time?

HEFLIN: Absolutely not, redistricting has to reflect today and then 10 years out.

WOOLLEY: So what we should be doing is developing a plan to meet not only current, but future population needs for the next 10 years?

HEFLIN: Absolutely.

WOOLLEY: Did you know that with the growth that Harris County is facing now, and will continue to face, and by the projected growth in Harris County, by the year 2003, which is the year that this plan will be implemented, that the average district in Harris County will be over-deviation when it's implemented?

HEFLIN: I'm appalled by that, thanks for pointing that out to me.

WOOLLEY: Does the Republican plan respect the wishes of the bipartisan Harris County delegation in keeping 25 districts in Harris County?

HEFLIN: Absolutely. And we have the signatures to prove that we committed, in the beginning, to hold those 25 seats.

WOOLLEY: Let me ask you this, didn't the legislature address a similar question in 1990 in the redistricting with Bexar County?

HEFLIN: Absolutely.

WOOLLEY: And could you tell us what happened in 1990?

HEFLIN: Bexar County, because they were at about 10.46 or seven percent, got a new district.

WOOLLEY: They got a new district. So they bumped up to 11?

HEFLIN: Right.

WOOLLEY: And yet, now, they are trying to tell us that is not the thing to do. Is that because of Harris County?

HEFLIN: No, that's because it's a Democrat-controlled county in the legislature.

WOOLLEY: Oh.

HEFLIN: Not reflective of what the voting strength is.

WOOLLEY: Mr. Heflin, does the Republican plan respect the requirements of the Voters' Rights Act?

HEFLIN: Absolutely.

WOOLLEY: Did you know that the committee plan retrogresses seven out of 10 minority districts in Harris County?

HEFLIN: That's appalling.

WOOLLEY: Did you know that the committee plan is 49 percent less compact than the Republican plan?

HEFLIN: I can believe that when I look at the map. Mr. Speaker, I'm going to yield the floor at this time and let Representative Phil King...

REPRESENTATIVE DANBURG: Wait! Mr. Speeeeaaker!

HEFLIN: ...make a legal argument.

DANBURG: Mr. Speeeeeeaaaker? I wanted to ask some questions about our Harris County plan, I can't find my district.

MR. SPEAKER: Chair recognizes Mr. Heflin.

HEFLIN: What's your district number, Ms. Danburg?

DANBURG: Well, it was 137 in the center of Houston...

HEFLIN: If you'll look right up here...

DANBURG: ...and I see 146 and 136...

HEFLIN: Yeah.

DANBURG: ...has a few of my precincts, and 147...

HEFLIN: If you'll look right up here, you'll see 137 right there.

DANBURG: Oh! I've never been there before!

HEFLIN: Well, you know, Ms. Danburg, one of the things that happens when you cluster together is members sometimes, the lines just can't accommodate your current residence. And what happens is, you have a choice. You can run with the competition that you're given, or you can change your residence, whichever you prefer.

DANBURG: Well, let me ask you this. I know that you have said that, you know, the Houston Chronicle said that you and Peggy Hamric wrote the Harris County plan, but that's not true is it?

HEFLIN: That is absolutely not true.

DANBURG: Would you like to share with us who did?

HEFLIN: I really don't know who all wrote the plan, we all turned in plans for our own districts and we had, people put it together for us.

DANBURG: Since the district that I am fortunate and honored to represent has for, ever since the day we got single-member districts, always included the sister neighborhoods of Montrose and the Heights together as the core of the district, is there any particular reason why you divide the Heights into four districts and Montrose into three districts, and put my home precinct into yet a different district?

HEFLIN: Well, I think we probably followed real closely lines to the communities of interest on that, Ms. Danburg.

DANBURG: So, you don't think Montrose and the Heights are a community of interest?

HEFLIN: They are and, just as Alief was split into three parts in our map, so that they are very distinctive, the Heights and Montrose were split so they now have at least three representatives, in fact, it's keeping them intact.

DANBURG: You know, I know that the Jewish community is not a protected community of interest under the Voting Rights Act, but is there any reason why you annihilate Scott Hochberg's Jewish community and split it into a bunch a different districts, so that it will have no voice?

HEFLIN: No, actually, we did not do that. Just as I used to, before 1991, I represented a significant Jewish population in Houston and that was split up in the 1991 redistricting. So we haven't annihilated anyone.

DANBURG: So you're not going to tell us who it was that divided Montrose from the Heights for the first time since single-member districts and who split the Heights into...

HEFLIN: Well, if you'll, if you'll name for us the trial lawyers that drew your plan, then we'll try to figure out who the people were that drew ours.

DANBURG: Actually, I drew my district myself.

HEFLIN: Well, that's your story.

NORIEGA: Mr. Speaker?

HEFLIN: I yield the floor to Mr. King to make our legal arguments for Harris County.

MR. SPEAKER: Mr. Noriega?

NORIEGA: I wanted to know if the gentleman would yield...

MR. SPEAKER: He's yielded the floor, Mr. Noriega. Chair recognizes Mr. King.

REPRESENTATIVE P. KING: Thank you, Mr. Speaker. And I'm not going to yield for a few minutes, Rick, but I'll be happy to stand up here forever and answer whatever questions. Members, I'd like to take just a couple of minutes and kind of walk you through some of the legal issues that deal with, not just with Harris County, but with our whole plan. And I'm hoping it'll answer some of the questions. I want you to know that in drafting our substitute plan, it was offered by Representative Marchant, we went to great lengths to insure that the plan was legally defensible. The committee plan, regardless of how it may be amended today will be, is, in great legal jeopardy. It will either be vetoed understand this, the committee plan, if you pass it today will either be vetoed, or it will fail a Section 5 Justice Department review. We made certain that our plan, the Republican plan, met the requirements of the Texas Constitution, Article III, Section 26. To that end, the Republican plan splits only one county once: Orange County. Yet the Democrat, I'm sorry, the committee plan splits Brazoria County twice, double-cutting Brazoria County is a clear Article III violation. There is absolutely no legally defensible reason to double-cut Brazoria. Now it's been suggested that it was cut for purely incumbent protection purposes. Yet, even if that's the case, incumbent protection is always legally trumped by the Texas Constitution. Is there really any question before this body, when we're honest, as to when a county may be split between two or more districts? Well, it's not if you simply read the rules. Let me refer you again to Article III, Section 26 of the Texas Constitution, says in counties where the population is high enough to create one or more whole districts and a fraction of another district, that we are to create the largest number of whole districts possible...

REPRESENTATIVE McCLENDON: Mr. Speaker?

P. KING: I will not yield at this time, but I will as...

MR. SPEAKER: Gentleman does not yield at this time, Ms....

P. KING: I would...

McCLENDON: Did you yield?

P. KING: Are you, is it a question? If it's a question, I...

MR. SPEAKER: Not at this time.

McCLENDON: Yes, I have a question.

P. KING: I'd prefer not to yield at this time and I'll be happy to as soon as I run through this. Thank you. Our job was to create the largest number of whole districts possible and then combine the excess population with adjacent county or counties to form a single district. Now that's my interpretation of Section 26, Article III, but if you don't trust me, let me refer you to page 132 of our own Legislative Council's March publication on redistricting. It says if there is a surplus, this is a quote, if there is a surplus of population,...

McCLENDON: Mr. Speaker?

P. KING: ...the sur[plus]...

MR. SPEAKER: Ms. McClendon.

McCLENDON: Would the gentleman yield?

P. KING: Not at this time, Ms. McClendon.

MR. SPEAKER: Not at this time, Ms. McClendon.

P. KING: If there is a surplus population, this is page 132, the surplus population should be joined with one or more adjacent districts to form a single district, not a double-cut as we have done in Brazoria. There is no legally defensible reason for that double-cut, even according to our own Lege Council. Now, our substitute, the Republican substitute, also complies with the 14th amendment, the 15th amendment and Section 2 of the Federal Voting Rights Act. And we're confident that it will pass the Section 5 review.

McCLENDON: Mr. Speaker?

MR. SPEAKER: Ms. McClendon.

McCLENDON: Will the gentleman yield?

P. KING: Not at this time.

MR. SPEAKER: Gentleman said he would yield at the end of his remarks, Ms. McClendon.

P. KING: Thank you. Now members, it's easy for me to say that it'll pass the 14th and 15th amendment scrub, but let me tell you the proof is in the pudding, and I want you, I'd like for you to hear this, because I'd like you to see how our plan, particularly our minority members, how our plan is so much better for the minority members than the committee plan. The Republican plan, the Republican map has more Hispanic districts. Our plan has 34 Hispanic seats, using the MALDEF, LULAC standard of 50 percent Hispanic VAP, the Democrat plan has only 33 Hispanic districts using the same MALDEF, LULAC standards. (I'm going to disagree on that.) Both plans have 14 African-American districts; however, the Republican plan has five African-American districts with an African-American voting age population of 50 percent or higher, they're Districts 22, 110, 131, 139, and 142. Understand this, the committee plan has only two districts with an African-American voting age population that exceeds 50 percent; ours has five. The Republican plan is also more compact. The committee plan is 13 percent less compact than the Republican plan, according to Legislative Council's perimeter compact scoring.

The Republican plan keeps districts more equal in population, it deviates less from the ideal district population. As a result, the Republican plan has a lower total deviation of 9.62, while the committee plan has a higher total deviation of 9.98. That is just one 1/100th of one percent below the maximum allowed by law under *White v. Regester*, and friends, that's using numbers that are already a year old. Now, with regard to this question of 24 or 25 seats in Harris County, the Republican plan affords Harris County a full 25 seats, but the committee plan is in grave, grave jeopardy because it limits Harris to only 24 seats. Here's the problem, and we need to see this, first, 24 seats, as it's been said already today, ignores population trends. You've got to remember that the courts aren't looking for a snapshot from us, but they're looking for a 10-year plan that will equalize representation for all Texans. By ignoring population trends, the 24-seat committee plan over-populates, or packs, minority and fast-growth areas in Harris County. While it under-populates low-growth Anglo areas in rural Texas. If not now, and if Sylvester Turner is correct and we have undercounted Harris County by as many 300,000 people, then very, very soon those fast-growth districts in Harris County will be under-represented and it will only get worse every year. Over-populating the Harris County districts, as in the committee plan, will lead to violations of the 14th amendment's "one person, one vote" standard, packing these districts as in the committee plan, will lead to violations of the Voting Rights Act, by diluting minority voting strength.

Second, the committee plan, with 24 seats, also results in an unacceptably high, total deviation, again 9.98 percent, and if you don't believe that that is too high, again, let me refer to you Legislative Council's own documents, quote, if a plan produced an alternative plan, if a plaintiff produced an alternative plan, with a lower total range of deviation, as the Republican plan has done 9.62, 9.98, if a plaintiff produced such a plan, a federal court, these are Lege Council's own words, a federal court would likely reject the state's plan, in this case the committee plan, without further justification.

Third, our own Lege Council reports call for 25 districts, as in the Republican plan, when discussing *Clements v. Vallez*, Lege Council said in its March publication, March 2001, quote, the court seems to have established a general rule, that the legislature must treat a county as having no surplus population if it can be divided into a whole number of districts with population deviations that are permissible under federal law. It went on to say, a county with at least 10 times the ideal district population, must ordinarily be assigned a whole number of representatives without joining any surplus population to other counties since it is always mathematically possible to divide such counties into a whole number of districts with an average population deviation allowable under federal law. Twenty-five seats, as we have done in the Republican plan, creates a deviation that is allowable under federal law; 24 does not, for maximizing seats in a county is a traditional redistricting criterion in Texas. Remember back in 1991, this body, many of you were here, created 11 districts for Bexar County, even though the apportionment equaled only 10.46. According to the 2000 census, Harris is due 24.46. My question is, if in 1991 our criterion led us to believe that we should give, round upwards for Bexar County, why does it not tell us again in 2001 that we are to round up for Harris County? 10.46, 20.46—there's no difference. Finally, the Texas Constitution

in court cases require a plan to have equality of population as far as is practical, see *Clements v. Vallez*. Twenty-five seats in Harris County is clearly practical because we have been able to draw it in a plan. Members, our job, that we've been given by the constitution, is to craft a plan that is legally defensible and that will keep Texas in compliance with state and federal law, hopefully through the decade. This plan, the Republican plan, will meet legal scrutiny. It is fair, it is compact, and protects communities of interest as those terms are defined by case law. It adheres to the Texas Constitution's county line rule, to the 14th amendment's "one person, one vote" standard, to the 15th amendment as effectuated through the Voting Rights Act, and it recognizes this body's traditional redistricting criteria. This plan will meet all legal challenges and will not draw a veto. The Republican plan will not draw a veto, no other plan set before you today can withstand legal challenge, and no other plan set before you today will not draw a veto. And with that, I'll yield.

McCLENDON: Mr. Speaker?

P. KING: Thank you for being patient.

MR. SPEAKER: Gentleman yields, Ms. McClendon.

McCLENDON: Thank you, Mr. Speaker, thank you, Mr. King for yielding to me. Just a few questions I want to ask you about Bexar County. How familiar are you with San Antonio and Bexar County?

P. KING: I am, other than visiting there routinely, I am statistically familiar with it, after this endeavor.

McCLENDON: Did you realize, Representative King, that District 120 in Bexar County has been known as the African-American district since the beginning of single-member districts back in 1972?

P. KING: No, ma'am, I wasn't aware of that. I was aware that today it has a 31.2 percent African-American voting age population.

McCLENDON: Do you realize that since 1972, that district has traditionally been 1/3, 1/3, 1/3: 1/3 African-American, 1/3 Hispanic, and 1/3 Anglo?

P. KING: It appears that way from the statistics, yes, it does.

McCLENDON: Under the Jones bipartisan working plan, we currently have eight minority opportunity districts and of those eight, one district is held by an African-American representative, which is myself. Under your plan, you've eliminated one of the minority districts, leaving seven minority districts, is that correct?

P. KING: No, that is not.

McCLENDON: What is the correct number?

P. KING: Well, today under Voting Rights Act criteria, your district does not qualify for a majority minority district. Today it only has 31.2 percent African-American. The plan that the committee has...

McCLENDON: Mr. Speaker, would you ask, Mr. King, excuse me...

P. KING: Yes.

McCLENDON: In your plan you have reduced the African-American population 22.9 percent.

P. KING: But that is not retrogression because there will still be seven minority seats, as there is today majority minority seats in Bexar County. That is the same under our plan and it is the same under the committee plan. In fact, the committee plan does not give you a majority minority district, it only raises it up to 39 percent African-American...

McCLENDON: That's not true, Mr. King.

P. KING: ...voting age population. Yes, ma'am, it is.

McCLENDON: Mr. King, that is not true. You are not telling the truth about this. Under the Jones plan, Mr. King, in District 120, which is a district that presently has an African-American representative, that African-American voting age is 29 percent, and under the Republican plan, the Marchant plan, you've reduced the number of African-Americans to 22.9 percent, isn't that true?

P. KING: Under the, today it is 31.2 percent African-American VAP, under the Jones plan, it will be 39 percent, and under the Republican plan it will be 22 percent, but it does not represent...

McCLENDON: That's correct.

P. KING: ...retrogression because it does not reduce the number of majority minority districts within Bexar County, and, frankly, we think,...

McCLENDON: That is not true, Mr. King.

P. KING: ...as an incumbent, you won with 31 percent, you'll win with 22 percent.

McCLENDON: That is not true, Mr. King.

P. KING: We have so much confidence in you.

McCLENDON: By drastically cutting the African-American percentage to 22 percent, do you realize that you have effectively eliminated the opportunity for African-Americans in Bexar County to have a vote in this particular chamber like you have, Mr. King?

P. KING: No, we have not, in fact, if you won with 31 percent, we have all the confidence in the world that you're going to continue to prevail.

McCLENDON: Do you realize, Mr. King, what you have done with this plan? You have effectively cut-off the African-American district in San Antonio and intentionally, intentionally discriminated against African-Americans in Bexar County, do realize that, Mr. King?

P. KING: I don't believe that going from 31 percent to 22 percent constitutes retrogression and it certainly does not eliminate a majority minority district...

McCLENDON: Let me ask you, Mr. King, does your plan, does the Republican plan, the Marchant plan, offer an opportunity, or any opportunity for an African-American to get elected in Bexar County to represent the African-American constituency in Bexar County as it traditionally has done since 1972 when Speaker Laney first came to this house?

P. KING: Ma'am, the Republican plan is the only plan that gives at least five seats for African-Americans majority minority that exceed 50 percent voting age population. The Democrat plan, I'm sorry, the committee, only gives two. Our plan gives five. Statewide, we have dramatically increased the opportunity for African-Americans to be elected.

McCLENDON: I'm talking to you about Bexar County, not statewide, right now, Mr. King. I know I'm a member of the redistricting committee, but I'm talking about Bexar County right now, where this seat has been completely eliminated by the Marchant Republican plan. Just one more question, in San Antonio, those of us who have been around for a while know that I-35 South, and I know you're familiar with that, aren't you, Mr. King?

P. KING: I'm sorry, say that again?

McCLENDON: I-35 South in San Antonio.

P. KING: I-35 South, yes, ma'am.

McCLENDON: Right. And it's always been the dividing line between the east side and the west side of San Antonio, is that correct, Mr. King?

P. KING: I would assu[me], if you say it is, I believe you.

McCLENDON: Do you, is it correct that, that this dividing line has traditionally divided the two distinct communities of the east side from the west side, do you understand that, Mr. King? Did you know of that as you were drawing this map? Did you know of that situation, Mr. King?

P. KING: If you're referring to did we divide communities of interest, we did not.

McCLENDON: No, I'm asking you, did you know that 35, IH-35 South divides the east side from the west side in San Antonio?

P. KING: I'll take your word that it does. I always get confused on San Antonio highways...

McCLENDON: Okay...

P. KING: ...with 10 coming in and all that...

McCLENDON: Okay, you are not informed, I understand that. When you drew the map, you didn't know that. Well, then, let me ask you this question. Why does your plan cut the traditional dividing line of expressways between the east and the west sides of San Antonio and include numerous precincts that dilute the African-American voting strength? And, Mr. King, what purpose does this serve except to completely gut the east side of San Antonio of its representation in this chamber? Why is that happening, Mr. King?

P. KING: It isn't happening.

McCLENDON: Thank you, sir.

P. KING: Thank you.

WILLIAMS: Mr. Speaker?

MR. SPEAKER: Mr. Williams.

WILLIAMS: I move that all the remarks from Mr., when Mr. Marchant laid this plan out until the present time be reduced to writing and placed in the journal.

MR. SPEAKER: You want to wait 'til the rest of the debates, Mr. Williams, or you want to do it now?

WILLIAMS: I think we want to do it now, right now, I'm making the motion.

P. KING: Mr. Williams, I think we might want to wait.

WILLIAMS: All right, I withdraw my motion.

MR. SPEAKER: Chair recognizes Mr. Telford for a motion.

REPRESENTATIVE TELFORD: Mr. Speaker, members, I would request permission of the house for the calendars committee to meet while we're in session.

MR. SPEAKER: You heard the motion, is there objection? There is objection.

TELFORD: Well, members, the...

MR. SPEAKER: Go ahead.

TELFORD: Well, that's fine if the membership wants to object and not have a calendar for Wednesday, that suits me fine.

MR. SPEAKER: Now is there any objection? Going once, chair hears no objection. Chair recognizes Mr. Marchant.

MARCHANT: Mr. Speaker, I move adoption.

MR. SPEAKER: Members, Mr. Marchant has advised, advised the chair at the beginning of the testimonies that all the members would make their statements, if anybody had any questions to ask these members, that they'd be able to. So, if any of you've got any questions you want to ask any of these representatives, well. If not, we'll proceed. Chair lays out the following amendment to the amendment, the clerk will read the amendment to the amendment.

READING CLERK: Amendment to the amendment by Merritt. (Amendment No. 25)

MR. SPEAKER: Chair recognizes Mr. Merritt.

MERRITT: Members, it's been a long day. We've heard a lot of testimony, we've heard a lot of testimony about various cities in our great state and about the fights within those cities. But we've heard a little bit about a plan. We've heard about a plan that is an inclusive plan, called the Republican plan. Members, what we have laid out is an amendment, a complete committee substitute that rolls in an extra, a seat in rural Texas, at the expense of Harris County. That's simply what this plan does is to remove that seat in Harris County and we put that seat in rural Texas. Our plan is a very fair plan, it is an all-Texas plan and it, there is a key difference between the Craddick/Krusee/Marchant plan. The argument between their plan and mine is not an argument about which plan provides more Republican districts versus Democratic districts, in fact, they want to sacrifice the rural district, to add an urban Democratic

district. That's the real issue here, urban v. rural. We've not been able to see the stealth plan, it's been locked up downstairs, several of us haven't been able to work with that map as we've needed to, to improve our rural plan, and we do not see the people and the justice when we take away the fair representation of our citizens who live in the rural areas and give it to the cities. It's not fair to those who live in our smaller towns and rural areas, it's not even fair to those who live in the big cities, why? Because it's not good for Texas. We are large and complex and the state, what has helped contribute to our greatness is what the legislature speaks, when the legislature speaks, it speaks for all the people, it represents all the diversity of the populations and interests of the competing ideologies. It must be that way or we descend down the slope into politics of factions and an atmosphere of mistrust. If we abandon the good people who live and work and play in our smaller cities and communities in rural areas, we're failing to meet our duty as legislators. We cannot make Texas greater by silencing the voice of those who do not live in the big cities. Our smaller cities and our rural communities are the backbone of this state. They are what holds us together as the unique state that we are: economically, morally, socially, and in countless other ways.

And what about the "one man, one vote" you may ask? Aren't the cities gaining in populations, while rural areas are losing population, maybe so. But don't we still need to ensure that every Texan is fairly represented? No matter whether he or she lives in the big city or 50 miles from his nearest neighbor down the road? That is our task and our challenge, to adopt this substitute amendment that will have an all-Texas Republican plan. It is the first fair plan, the all-Texas Republican plan was not developed in secret, behind closed doors, it was produced in a true bipartisan environment open to those to come in. Our doors were closed to no one while this plan was being developed. If we do not adopt a fair plan, an all-Texas plan, a plan that gives every citizen of Texas in every region and every area of our state an equal voice in government, we will lose the confidence and support of the people, we will move backward, not forward, we would diminish our prospect and tarnish the luster of the lone star. There have been some who have suggested that Republicans will gain more, politically, by voting for the stealth plan that was developed in secret for the very reason that it is doomed to failure and cannot pass. Thank God that the defenders of the Alamo didn't think that way, or that Houston's army at San Jacinto didn't [inaudible], [plac]es where heroes are honored. You will never find a statue of a committee, it is not Texan to follow the strategy of not winning, winning for the people of Texas, all the people of Texas, winning for the distinguished body, the house of representatives, you've all heard the often-quoted saying about winning. It goes, "winning isn't everything, it's the only thing." That saying is usually attributed to the great Green Bay Packers coach Vince Lombardi. But Vince Lombardi didn't say something about winning, nor that saying, and what he actually said is even more pertinent to the vote that we're about to make tonight. What Vince Lombardi actually said was, "winning isn't everything, but wanting to win is." Today I appeal to you to consider this fair Texas plan, to listen to your heart, and don't follow the mistaken idea that by voting for a plan that has already been labeled dead on arrival, leaving redistricting to someone else, you have done your job. That's not what we want to do here. Instead, vote for the fair, all-Texas plan. Vote

for the plan that has been developed openly. Vote for a plan that puts Texas first. Vote for a plan that wants to win. Mr. Speaker, I move adoption for this substitute amendment.

WILLIAMS: Mr. Speaker?

MR. SPEAKER: Mr. Williams?

WILLIAMS: Will the gentleman yield?

MR. SPEAKER: Mr. Merritt, do you yield?

MERRITT: I yield for a question, Mr. Speaker.

WILLIAMS: Mr. Merritt, I just have one question for you. Why are you offering this plan as an amendment to the Republican plan, instead of to the Jones plan?

MERRITT: This is a Republican plan, Representative Williams, and that's why I'm offering it as a Republican plan. That the citizens of the State of Texas realize that rural Texas is not to be left out by these fast-growing citizens of Montgomery County and the Woodlands and Harris County. Where you do not have the constitutional right to take that extra seat from rural Texas. We do not believe that you have the constitutional right to take an extra seat from rural Texas. That is an issue of urban versus rural. You are an urbanite, I am a rural representative. I want to fight for the citizens of Texas who live down a dusty, country road in West Texas or a piney wood road in East Texas. We deserve representation, we argue that we deserve representation, and we plead to this body that someone in here will give us that vote to ask for a fair Texas Republican plan.

MR. SPEAKER: Ms. Morrison in opposition.

MORRISON: Mr. Speaker and members, this is not the Republican plan, this is an obvious effort...

REPRESENTATIVE CHISUM: Mr. Speaker, does the lady yield?

MR. SPEAKER: Ms. Morrison do you yield to Mr. Chisum?

MORRISON: Not at this time, Mr. Chisum.

MR. SPEAKER: Not at this time, Mr. Chisum.

MORRISON: This is an obvious effort to sabotage the Republican Caucus plan, it is without merit, and I move to table.

MR. SPEAKER: Chair recognizes Mr. Merritt to close.

MERRITT: Members, let's be very straight here. First of all, this is not the Republican Caucus plan, let me assure you that it is not a Republican Caucus plan. I was not going to address that until Representative Morrison did. The caucus has never met, the caucus has never hired the people that are working downstairs in an office. We don't know, some of us don't know, who's been hired downstairs, we don't know who's been paying them downstairs to work on that plan, but I will tell you this, that in my office, my administrative assistant has been working day and night in our rural little representative district on our plan. We developed this single-handedly, with the help of others and

with the help of Lege Council. I'm saying Lege Council did it and helped us do it, but we did not do it with somebody paid to do it. We, who are others? Oh, I don't know. Chairman Thompson, Kino Flores, the Valley, everybody that we asked for input, from everybody, bring us your plan, and that's how we did it. But we sure didn't have it paid to be done, and that's why the rural folks are fighting for our districts, to get that one more seat. And I will assure you that if someone wants to go to the back mike and ask me or tell me when the caucus voted, then I'd like to know that, but this is not the caucus plan. Anyone want to say it is the caucus plan? Thank you very much. Members, I ask all of you to let's be Texans, let's stick together and vote no, that's a two on the motion to table, vote two, help me out here.

MR. SPEAKER: Question occurs on the motion to table, all those in favor vote aye, opposed, vote no. The clerk will call the roll, it is a record vote. Ring the bell. Have all members voted? There being 60 ayes and 86 nays,... Members, members. The motion to table fails. The question occurs now on the amendment to the amendment. All those wanting to speak for or against, come down front. Mr. Hilderbran in opposition.

HILDERBRAN: Thank you, Mr. Speaker, members. I will single-handedly debate this and make this speech, with the help of others. Mr. Speaker, members, under the Merritt plan, we lose Representative Christian's seat, we lose Representative Talton's seat, we lose Representative Corte's seat. And we pair Representative Junell, and I'm going to tell you something, we're pretty smart Republicans, we don't believe in pairing Representative Junell. In Harris County, he takes, his plan, the Merritt plan, takes, in Harris County from the Marchant plan of 15 Republicans and 10 Democrats, to 14 Democrats and 10 Republicans. One less than Ann Richard's Democrat plan that passed in 1991. In Bexar County, as I said earlier, we lose Representative Corte's seat.

HAMRIC: Mr. Speaker?

HILDERBRAN: You know, it's just not very Republican when you draw a plan and call it a Republican plan alternative...

MR. SPEAKER: Ms. Hamric, your purpose?

HILDERBRAN: ...and you lose...

HAMRIC: Mr. Speaker, would the gentleman yield?

HILDERBRAN: ...Republican seats.

MR. SPEAKER: Do you yield to Ms. Hamric?

HILDERBRAN: Yes.

MR. SPEAKER: Gentleman yields, Ms. Hamric.

HAMRIC: Mr. Hilderbran, would you say that the Harris County plan that draws Mr. Talton out in an area where there, the population proves that we could have 25, and that by drawing it out and claiming this to be the Republican plan, and drawing out a Republican seat is a very Republican thing to do?

HILDERBRAN: You know, he's not very Republican.

HAMRIC: Mr. Hilderbran, I think I'm going to wait and ask Mr. Merritt a question when he comes back to the microphone.

HILDERBRAN: Okay. What I would also point my colleagues' attention to is the analysis sheet that Representative Merritt put out in his anti-Republican plan, and it starts off with a list of the paired districts and he draws conclusions. And his first district is District 4, where Representative Alexander and Representative Brown are paired, and what is probably a 50/50 district in both the committee plan and the Republican plan, he draws it in an area and he concludes that that's a Republican district and that Representative Alexander will lose to Representative Brown. That's his conclusion, that's a Republican district. In the next one, District 8, Representative Sadler and Representative McReynolds are paired. Now, in that district there are no Republicans and there may not be any Republicans running. But if a Republican did run, they'd be running in a seat that has an incumbent Democrat in a 51 percent district. He concludes that that's a Republican win. He concludes in the win column that's a Republican win and a pick-up Republican. That's ludicrous, that's not Republican. Representative[s] Lewis and Christian are paired in his plan and he concludes in a 40 percent Republican district that Representative Christian would defeat Representative Lewis in that, in that particular district, that's ludicrous. And Representative[s] Ritter and Zbranek's district, in which two Democrats are paired in a 42 percent Republican district, he concludes, in his analysis, that that's a Republican victory and the Republicans would pick that seat up. And Representative Hawley's and Gene Seaman's seat, in a 53 percent, he concludes it, too. That one, I could actually see his point, but I think it would be a toss-up race because you have, then there's the Counts/Hardcastle, another one he automatically says Representative Hardcastle would defeat Representative Counts in a 50/50 district. Representative Bob Turner and Representative Junell are paired together, two Democrats, in a slightly Republican district, 54 percent. He concludes that that's a Republican victory and a Republican pickup. You know, it goes on and on, Isett/Walker, which is a Republican seat, he claims is a Republican pick-up when, in fact, it's a Republican preservation of a seat that two Republicans are paired in for one, so it's a take-down of one instead of a pick-up of one. And the Corte/Villarreal district he says, in that case, he actually figures one out right. I tell you, this is not the Republican plan, members, and we can vote it in and let it get shot down in a few minutes, too, but we can at least vote our conscience and vote for the true Republican plan, which is the one that Representative Marchant put up without the Merritt amendment.

MR. SPEAKER: Chair recognizes Mr. King in opposition.

P. KING: Members, I just want to speak to the Democrat members of this body, you need to take a close look at Representative Merritt's plan to see how many of you are paired and how many of you are in districts that are not conducive to re-electing a Democrat. Second, I want to tell everybody to take this vote seriously. It's fun to joke around, but you need to remember, you are establishing a legal record with your vote, and if you've got a district that you don't like in the Merritt plan, and I'll suggest that most of this body does, then you need to remember that when you vote for this plan, you're also setting

a record that someday is going to be reviewed by a federal judge, and that federal judge when they're re-writing that plan is going to assume that you like and believe that that's an acceptable district for you. So when you vote for this plan, you better well like the district because a federal judge is going to look at it someday and when they're re-writing that plan, the games today from something that was written without the consideration and expertise that it should have had, is going to be reviewed and you may well find yourself in that district paired with who you don't want to be paired with, with a district with voting numbers totally contrary to your political affiliation. You are making a legal record with this vote and I encourage you to take it seriously. If you think that this plan is better for you than the Republican plan, on, for a record purpose, then you make that choice, but I will guarantee for the majority, vast majority of the members standing here today, you are far better off with the districts drawn in the Republican plan, then you are with the one drawn in Mr. Merritt's plan...

ALLEN: Mr. Speaker?

P. KING: ...and I'll yield.

ALLEN: Will the gentleman yield?

MR. SPEAKER: Gentleman yields, Mr. Allen.

ALLEN: When you look at Representative Merritt's map and the committee map, are you aware of what my district looks like on the two maps?

P. KING: I have no idea, other than just skimming it recently when it was just...

ALLEN: They're identical; they're absolutely the same. And a number of districts that are unfair, not compact, don't respect communities of interest, are repeated ad infinitum in this Merritt plan. Representative King, if Representative Merritt's plan is a Republican plan, then the movie, *Invasion of the Body Snatchers*, ought to be considered a documentary.

P. KING: I don't know how to respond to that. Members, just in wrapping up again, we need to take serious votes here, the plan that was presented by Chairman Marchant was seriously put together; it was put together with great attention to the legal issues, as well as to issues of retrogressivity and compactness and all the things that have to go into for a Voting Rights, Section 5 scrub and we have done that. Remember that your vote will be looked at by judges ad infinitum and you need to make sure that you're not a lot worse off, because when you vote for the Merritt plan, you're saying I like that district that was drawn from a.... Thank you.

MR. SPEAKER: Anyone else wish to speak for or against? Chair recognizes Mr. Bonnen.

BONNEN: Mr. Speaker, members, I just wanted to take a moment to point out that in the Merritt Republican plan, it still creates a significant problem in Brazoria County. It double-cuts that county, and that is something that there's a lot of grief for, particularly me, being the representative who is wholly-contained in Brazoria County. For that reason, I would not be able to support

the Merritt Republican plan, unfortunately, and Tommy's my good friend, and I wish that we had a plan that I could support in doing that. There are several things about this plan that we could go on and on about that make it not accurate in calling it the Republican plan. I'm not going to do that to my friend, but I think that this issue of redistricting, and I think that what we have done here today is very serious, and I think the work that Tommy has done is very serious, but I think that what we need to do from here on is gather ourselves and take our votes and our decisions from hereon in as if they are legitimate acts of the State of Texas, that we were sent here to do. And vote with sincerity, and being genuine in how we do that. And I would ask all of you to do that and I would ask all of you to consider the different plans and the different districts within those plans and how they work best for you and for the people that you were sent here to represent and the people that you may be representing or not representing in the future. Mr. Speaker, I'd be happy to yield for questions or to yield the floor.

MR. SPEAKER: Mr. Merritt? We need to decide what we're going to do. Chair recognizes Mr. Merritt to close on his amendment.

MERRITT: Members, this is a very important time for us.

WOOLLEY: Mr. Speaker!

MERRITT: I certainly appreciate your...

MR. SPEAKER: Ms. Woolley.

MERRITT: ...support

WOOLLEY: Does the gentleman yield?

MERRITT: ...and your effort on what we've done.

MR. SPEAKER: Do you yield, Mr. Merritt?

MERRITT: Not at this time, Mr. Speaker.

MR. SPEAKER: Not at this time, Ms. Woolley.

MERRITT: Members, this is very important to Texas, it's very important to representation. We fought and we've been in the trenches for the last two or three weeks trying to develop a working plan with our colleagues. We feel like having a constitutional issue, we want to have 24 seats in Houston, and our plan did that and you helped me prevail in putting 24 seats in Houston [so] that we will have one more seat in rural Texas. We appreciate that, the people in rural Texas appreciate that and I think...

WOOLLEY: Mr. Speaker?

MERRITT: that we've gone through an issue...

MR. SPEAKER: Ms. Woolley.

MERRITT: ...the deals...

WOOLLEY: Does the gentleman yield?

MERRITT: ...are off.

MR. SPEAKER: Do you yield, Mr. Merritt?

MERRITT: We've tried to make deals, the deals are off. Mr. Speaker, I want to have the vote on the amendment.

WOOLLEY: Mr. Speaker, will the gentleman yield?!

MR. SPEAKER: Do you yield, Mr. Merritt?

MERRITT: Mr. Speaker, I'd love to yield to the gentle lady from Harris County, who I think I saw get up, a little upset earlier today...

WOOLLEY: Just a little.

MR. SPEAKER: Gentleman yields, Ms. Woolley.

MERRITT: ...I hope you'll be kinder to me.

WOOLLEY: Mr. Merritt, are you aware that by using meaningful Republican ORVIS, it's possible that there will not be a single new Republican district created under your plan? Are you aware of that? Are you going to sit here, or stand there, and let all these people in blue shirts that have been sitting here all day think that your plan is going to create extra Republican seats?

MERRITT: Ms. Woolley...

WOOLLEY: You cannot pull the wool over their eyes, like that, Mr. Merritt, it is not going to work.

MERRITT: Representative Woolley, let me...

DELISI: Mr. Speaker?

MERRITT: Was that a question? I hope you, can I answer that question? The question is, is that the people in the gallery have been provided a very factual spreadsheet that says that we will have approximately 86 Republicans under the rural fair Texas Republican plan. Eighty-six seats is a good number to begin with for the 21st century. That's what I provided in the gallery, they have the information, Ms. Woolley has had the information, every member in this room has had the information, and that is a very factual number and I'm very proud to offer it in a timely manner. Almost all week...

DELISI: Mr. Speaker?

MERRITT: ...we have yet to see the factual number from the stealth plan. And we really don't know who authored it. They call it the Republican plan, we know what the rural Texas needs.

DELISI: Mr. Speaker?

MR. SPEAKER: Ms. Delisi.

DELISI: Will the gentleman yield? Mr. Speaker, will the gentleman yield for a question?

MR. SPEAKER: Do you yield, Mr. Merritt?

MERRITT: Certainly, for the beautiful Ms. Delisi.

MR. SPEAKER: Gentleman yields.

DELISI: Thank you, Mr. Merritt. Mr. Merritt, in your statewide plan, will you tell me what the average deviation for primarily rural districts is?

MERRITT: Ms. Delisi, I don't, I developed this plan, I had my packet up here, I think that we could have...

DELISI: Are you the author of this plan, Mr. Merritt?

MERRITT: ...asked that prior—pardon me?

DELISI: Are you the author of this plan?

MERRITT: Yes, ma'am, but I didn't have the team that...

DELISI: Are you telling this house that you don't know what this...

MERRITT: ...you guys had and I had it and I don't have it in front of me, I'm sorry, that's...

DELISI: You are promoting rural districts and you don't know what the standard deviation is for the rural districts that you've drawn?

MERRITT: No, ma'am, I do not. I had the packet up here, I was hoping I'd get questions like that before, and do you know what they are?

DELISI: Well, all right, Tommy, let's try another one. Can you tell me what the standard deviation for the primarily urban/suburban districts in your plan?

MERRITT: I could go get my packet and we could start over again.

DELISI: Well, Mr. Merritt, let's try this one. Can you tell me the average differential under your plan?

MERRITT: Ms. Delisi, I had that, all those, that information has been out on the floor, I had it up here to answer questions, we had a motion to table, I've left my packet over there, probably, I can go try to find it, but...

DELISI: Isn't it true, Mr. Merritt, that the average population differential is 2,500 people and that, while the courts have allowed some latitude in the deviation from state house district to state house district, holding that deviation as up to 10 percent are acceptable, we see as pervasive pattern, the disenfranchisement under your plan?

MERRITT: No, ma'am, I don't believe that's correct.

DELISI: Mr. Merritt, would you agree that your amendment systematically over-represents rural Texans at the expense of urban Texans?

MERRITT: No, I don't believe that's true.

DELISI: Tommy, wouldn't you agree that systematic and intentional disenfranchisement is unconstitutional under both the U.S. and Texas Constitutions?

MERRITT: I don't believe the fair Texas Republican plan does that, Ms. Delisi. If you've got evidence of that, well, fine, but we've run this through Lege Council and others, and we think it's fair.

HAMRIC: Mr. Speaker, will the gentleman yield?

MR. SPEAKER: The gentleman, I think, yielded the floor, but I will see here in just a second.

MERRITT: Mr. Speaker, let me yield the floor.

MR. SPEAKER: Chair recognizes Mr. Merritt.

MERRITT: Mr. Speaker, members...

HAMRIC: Mr. Speaker, will the gentleman yield?

MERRITT: ...I would like to thank everyone of you here...

HAMRIC: Mr. Speaker will the gentleman yield for a question?

MERRITT: ...for what you've done, and I am not going to push this. I will withdraw my amendment.

MR. SPEAKER: Amendment is withdrawn. Members, the Marchant amendment is back before you. Anyone wish to speak for or against? Chair recognizes Mr. Bosse in opposition.

BOSSE: Mr. Speaker and members, let me take a few serious moments to address my opposition to the Marchant plan. And I would like to address it in some of the terms in which it has been laid out, and I'm going to address it specifically as it concerns Harris County, because that really is the main part of the plan that I've analyzed. The effect of the Marchant plan in Harris County is, essentially, to eliminate four Democratic districts in Harris County. Furthermore, it is to significantly reduce the influence of minority influence in a number of Harris County districts. Whereas, the plan that I presented to you earlier and that the, and that Chairman Jones presented to you in Harris County, increased minority voting and minority participation in District[s] 138, 140, and 149. This plan substantially reduces minority representation. Let me give you an example. District 128, with which I am immanently acquainted, the minority population of that district went from 57 percent down to 35 percent, a 22 percent decrease. In District 132, it went from 51 percent to 40 percent. In District 134, it went from 51 percent to 41 percent. In District 137, it went from 51 percent to 20 percent, in District 149, it increased four percent; whereas, in our plan in that district, it probably increased four percent. The, where there had been minority opportunity districts, none are left under this plan in Harris County. It pairs six members in Harris County, where the plan we presented to you earlier only paired two. And for those reasons, I rise in opposition to the Marchant plan.

MR. SPEAKER: Chair recognizes Mr. Craddick in favor.

CRADDICK: Mr. Speaker, members, this substitute offers you a fair, compact legal plan. Our plan has a 13 percent, they have a 13 percent less compact districts than we do, we have a tighter deviation, we have a 9.61 versus 9.98, we have more open seats, 14 versus 9, Harris County under our plan is 47 percent more compact than the committee plan. Harris County has 25 instead of 24 seats, which, in my opinion, meets the constitutionality muster that's needed. Every member of the Harris County delegation signed a letter saying they wanted 25 seats and were entitled to it, not just the Republicans, but the

Democrats along with it. There are 13 seats in West Texas, there are 12 seats in West Texas in the committee plan, there's one more Hispanic seat in this plan than there is in the committee plan, the African-American seats have less regression in our plan, than in the other plan, there's not a double-split, which is unconstitutional, (it's been proven in the courthouse), in our plan, and there is in their plan. We are not passing a plan that is the status quo, our plan takes into account the growth in Texas in the future. I want you to vote with us today and vote for a plan that actually looks at what the State of Texas wants done, the people want done. I ask you to vote aye on the amendment.

WILSON: Mr. Speaker?

MR. SPEAKER: Mr. Wilson.

WILSON: Does the gentleman yield?

CRADDICK: I yield, Mr. Wilson.

MR. SPEAKER: Gentleman yields, Mr. Wilson.

WILSON: Thank you, Mr. Speaker. Mr. Craddick, I wanted to ask these, some of these questions of Mr. Bosse, but I wasn't able to get up here fast enough. If you wouldn't mind, let's run through, in particular, the African-American seats in Harris County. District 131 is the district I currently represent and, under your plan, it has a 55.8 percent African-American VAP, is that correct?

CRADDICK: That's correct, Mr. Wilson.

WILSON: And under, I think, the Jones plan, it is around 48 percent, I believe, is that right?

CRADDICK: I believe that's correct, Mr. Wilson.

WILSON: So it's an increase of about seven percent?

CRADDICK: Yes, sir.

WILSON: Let's go to District, let's see, 139, which is Representative Turner's district, I believe. Under your plan, the African-American percentage is 52.5 percent, is that correct?

CRADDICK: That's correct, Mr. Wilson.

WILSON: And what is it under the Jones plan?

CRADDICK: It loses 2.7, I believe, Mr. Wilson.

WILSON: All right. And then Representative Dutton's district...

CRADDICK: Do you know what number that is, Mr. Wilson?

WILSON: I think it's number 142, I believe.

CRADDICK: That's correct, Mr. Wilson.

WILSON: His is 53.8 under your plan, and what it is under the Jones plan, do you have that?

CRADDICK: You lose 2.8 percent, Mr. Wilson.

WILSON: All right, and let's see, 146, I think, is Representative Edward's plan, is that correct? Under this plan is 47.6 African-American population, and it's about 3 points less under...

CRADDICK: You lose about two in the other plan, Mr. Wilson.

WILSON: All right. And 147, I think is Representative Coleman, is 44 percent under this plan and it...

CRADDICK: It loses 1.3 under the other plan, Mr. Wilson.

WILSON: So all of the numbers so far...

CRADDICK: Mr. Wilson, Mr. Wilson, may I go back and correct?

WILSON: Sure.

CRADDICK: In, in, I'm sorry I told you wrong, in District 142 in the Jones plan, it loses 5.5, I told you wrong, I'm sorry, I'm trying to read it off this list.

WILSON: Okay. Now, under the, if we look at District 132, which is Mr. Hochberg's area, under this plan it's 19 percent African-American and under the Jones plan it is 30 percent, is it not?

CRADDICK: That's correct.

WILSON: Okay, Mr. Bosse talked about a minority impact district. Do you know what a minority impact district is?

CRADDICK: No, why don't you tell me, Mr. Wilson.

WILSON: Well, I've been trying to figure it out myself, thank you very much.

CRADDICK: Thank you. Mr. Speaker, members, I move the adoption of the committee amendment.

MR. SPEAKER: Chair recognizes Mr. Jones in opposition.

D. JONES: Mr. Speaker and members, I would urge all of you to hopefully weigh all of the discussions that you've heard today in making your final decisions, as we approach this conclusion of today's work. Several things that I would point out: The Jones plan, which is the committee substitute plan that we started with early this morning, was put in all members' boxes on April 23, so there has never been any intent, nor effort made to prevent every member of this house knowing what was being prepared and what would be presented. The amendment that Mr. Marchant has here, I think, should be properly labeled the Marchant plan. If you were to base it on debate that we've heard so extensively today, you might think it's the Harris County plan, because that seems to be the thrust of the discussion, is to focus on Harris County. I'll make several points and I'll try to be extremely careful and fair in making them. Number one, I have not seen this plan until it was unveiled here at approximately 8 p.m. tonight. Previously, I had requested on Saturday afternoon at about, I think, approximately four o'clock to see a copy of the plan because there had been a press release or a press conference in relationship to it and media people started calling me for a response. I felt like...

CRADDICK: Mr. Speaker?

D. JONES: ...it would not be proper...

CRADDICK: Mr. Speaker?

D. JONES: I will not yield at this time, Mr. Speaker.

MR. SPEAKER: Gentleman does not yield at this time, Mr. Craddick.

D. JONES: I'll complete remarks and then answer. I requested an opportunity to see the plan in order to be fair in making responses to media. It was not available to the public, I was told. And my plan has never been a secret plan, as I indicated, and we have tried to keep it before you, we had a hearing in committee, the committee voted the Jones plan out on a vote of 8 yea, 4 nay votes. It's also rather interesting when I look at this plan, I find that approximately 1/5 of it has, appears, to have been extracted from my plan. Additionally, there's an obvious violation of the supreme court ruling in district number 22. It takes one of, it takes all of one minority population and adds it in a gerrymander effort to the same minority population of another county. This is parts of Jefferson County being selectively added to parts of Orange County. This plan also provides one less rural plan than the Jones plan and I think we've heard enough discussion on that subject. This plan does not follow the Voting Rights Act in protecting the minority population of Texas as well as the Jones plan does. There's been extensive discussion about compactness and the Marchant plan fails the compactness test throughout rural Texas. I quickly calculated one district that is 280 miles across, so those are some of the reasons that I'm going to move to table this plan so that we may get back to the committee substitute and vote on it. And at this point, Mr. Speaker, I would yield...

CRADDICK: Mr. Speaker?

D. JONES: ...to Mr. Craddick for a question.

MR. SPEAKER: Gentleman yields, Mr. Craddick.

CRADDICK: Mr. Jones, I think you just stated that you've never seen this until this evening at eight o'clock?

D. JONES: That's correct.

CRADDICK: Mr. Speaker, parliamentary inquiry, was this plan filed in the clerk's office properly and stamped at two o'clock?

MR. SPEAKER: Yes, it was.

CRADDICK: Now, Mr. Jones, are you telling me that you didn't have the ability to go to the clerk's office or pick it up on the RedAppl like every other member of this house?

D. JONES: Mr. Craddick, I went to your office, which I knew to be the place that the maps were being produced, and requested a copy of the plan so I might look at it, and...

CRADDICK: Mr. Jones, did you have a chance to go to the clerk's office at two o'clock, like every member of this house and pick up the plan? Did you or did you not have that option?

D. JONES: Mr. Craddick, I will answer your question in this manner...

CRADDICK: Great. How about yes or no, Mr. Jones?

D. JONES: How about you letting me answer the question before you interrupt, Mr. Craddick?

CRADDICK: That'd be fine.

D. JONES: The answer is, I did not choose to go to the clerk's office to seek it, I did not require any member of this house to go to the clerk's office in order to pick up a copy of my plan because I was the source of that production and I gladly made it available, I anticipated that the same courtesy would be shown me, and that should answer your question.

CRADDICK: Mr. Jones, let me ask you, did I go to your committee office about a week before the plan and ask you and your clerk, while you were there, to see the committee plan and you told me I could not see it because I was not a member of the committee, is that correct or incorrect?

D. JONES: At that point, we did not have a finally-constructed plan and I told you it was not available to you, so...

CRADDICK: Mr. Jones, did you not also tell me that the committee members had it that I could not see it?

D. JONES: I don't remember our total conversation, but apparently you do, so I would not dispute it.

CRADDICK: Great. Then how come two or three other committee members, like Mr. Marchant who stands behind me, did not have a copy of that plan that night?

D. JONES: I'll have to let Mr. Marchant answer that question.

CRADDICK: All right, so you're telling me, Mr. Jones, that you're saying that you only saw this tonight at eight because you did not want to take the time, like the rest of us did, to go pick up a packet, and I believe they delivered those packets to your office on top of that, didn't they, Mr. Jones?

D. JONES: I'm not familiar with what time it arrived, I just know that it was not available to me at approximately, sometime between 3 and 4 p.m., on Saturday.

CRADDICK: Well, you just said it wasn't available to you until eight o'clock tonight, Mr. Jones, I believe that's in the record.

D. JONES: That's correct, because I've had a great deal of work to do since that time, work that I hope is productive tonight in defeating this amendment.

CRADDICK: Well, I think that you had the same responsibility as the rest of us did, Mr. Jones.

D. JONES: You're entitled to that opinion, Mr. Craddick. Mr. Speaker?

GALLEGO: Mr. Speaker?

MR. SPEAKER: Mr. Gallego.

GALLEGO: Would the gentleman yield?

D. JONES: I yield.

MR. SPEAKER: Gentleman yields, Mr. Gallego.

GALLEGO: Mr. Jones, with respect to the Hispanic number of seats that we've talked about, Mr. Craddick and, earlier, Ms. Morrison, had indicated that their plan actually had 34 Hispanic seats, is that accurate?

D. JONES: I would accept your statement as correct.

GALLEGO: And out of, currently, your plan [inaudible], a Republican district, takes that plan up to 34 as well, does it not?

D. JONES: We're speaking of the Marchant plan?

GALLEGO: No, Mr. Marchant's plan, he indicated, or it was indicated that there were 34 Hispanic majority seats in Mr. Marchant's plan, but your plan at this point contains 34 Hispanic majority seats as well, is that correct?

D. JONES: I believe that's correct.

GALLEGO: So, there are really no, in terms of the numbers of Hispanic seats, there are no favors done to Hispanics in Mr. Marchant's substitute?

D. JONES: I believe you are correct.

GALLEGO: In addition to that, Mr. Maxey's district, which now is at 48.5 and, had Mr. Maxey's amendment that was agreed to, it only affected two districts: Ms. Kitchen's and Mr. Maxey's. Had that amendment gone on, that amendment would have created an additional Hispanic majority seat, which would have been 35, is that correct?

D. JONES: I believe you are correct.

GALLEGO: So, with respect to the issue of the numbers of Hispanic or Latino seats, there really is no advantage in the Marchant plan, is that correct?

D. JONES: I would recognize that your interpretation is correct, as near as I can tell.

GALLEGO: Thank you, Mr. Jones.

D. JONES: Thank you.

CRADDICK: Mr. Speaker, will the gentleman yield?

MR. SPEAKER: Gentleman yields, Mr. Craddick.

CRADDICK: Mr. Jones, can we talk through your plan for just a moment here, is that acceptable? I believe in Harris County, Harris County loses a seat under your plan, is that correct?

D. JONES: Harris County loses...

MR. SPEAKER: Point of order has been raised that the gentleman's time has expired; point of order well-taken and sustained.

D. JONES: Mr. Speaker, I move to table.

MR. SPEAKER: Chair recognizes Mr. Marchant to close.

MARCHANT: Mr. Speaker, members, a lot has been said tonight about the process in which this amendment was brought to you. I don't want there to be any misunderstanding. This is a plan that I developed. I had 50 or 60, 75, almost 80 members that came to me at any given time to try to give input into this plan. I don't want the fact that Mr. Craddick's office was a convenient place because he has seniority, has the biggest conference room. This is a plan that I drew. I realize that it did not meet the wishes and desires of every man and woman that I talked to. Mr. Delwin Jones found the same thing out. I believe this is a fair plan, I believe that it reflects the voting patterns of this state, I believe that it reflects a fair and compact and constitutional plan. It does not double-cut counties, it keeps the constitution as whole as we can. I would like to say that if there's any blame that you want to contribute to any Republican on this map, then I'm where the blame is, and I understand that. I understand that I did the best I could to bring forth an alternative. You know, since I've been in this house, I've tried to take the position that for years and years Republicans have been 'againers,' and always against and never for, I resolved at the beginning of this session that I would try to bring a positive alternative approach to the redistricting process and that's what I've tried to do. I would appreciate your vote against the motion to table, I would appreciate your favorable vote on this motion.

CLARK: Mr. Speaker?

MR. SPEAKER: Mr. Clark.

CLARK: Will the gentleman yield?

MARCHANT: Yes, sir, I will.

MR. SPEAKER: Gentleman yields, Mr. Clark.

CLARK: Mr. Marchant, you talked a little bit about the process that you went through, I'd like to ask you some questions about the committee process. You were a member of the redistricting committee, weren't you?

MARCHANT: Yes, sir, I was, I was, second time since I've been here, yes.

CLARK: Well, would you share with us how much input that you, as a committee member, had in formulating **HB 150**, the committee plan that we started off with?

MARCHANT: I participated in all the hearings, but I, too, did not see the working map until it was presented to us in committee one night.

CLARK: Well, how were amendments to the plan handled?

MARCHANT: We were delivered the amendments on a Friday, shortly after the George Bush dedication of the Bullock museum, we were delivered the amendments around 11 o'clock. I got back to my office around 12:30, and I looked through about 35 amendments and did not have time, frankly, to digest all the amendments.

CLARK: And that meeting, then, that you were supposed to vote the plan out that Friday, as I understand it, was scheduled for two o'clock?

MARCHANT: That's correct.

CLARK: And we had been on the floor since 10 o'clock that morning?

MARCHANT: Yes.

CLARK: And then there was the opening of the Bob Bullock museum and then you get back and are requested to vote, there was a delay at that point of the meeting, and I guess you had the whole weekend [inaudible] allowed to look at, what, 75 amendments?

MARCHANT: No, it was about 40.

CLARK: You had 40 amendments?

MARCHANT: About 40 amendments, we had the weekend, Mr. Jones asked us to be back at eight o'clock on Monday morning and we all came in to act on those amendments.

CLARK: Now, once that **HB 150** was laid out, and the amendments came in, was there any evidence about, or review of this new plan with the amendments on it? Any of the experts who came forward like Dr. Engstrom who had testified earlier on, before the plan?

MARCHANT: Well, I did not find his testimony to be particularly enlightening because I, bas...

CLARK: But was there any testimony at all on Monday by experts like that who you were comfortable with before you voted on the plan that this had been reviewed for constitutionality, and meeting the Gingles test and meeting the Shaw test? Did anybody testify on that on Monday when you were getting ready to vote out the plan?

MARCHANT: No.

CLARK: With all those amendments on it. Now, was there any way, once that plan was filed, and with the amendments on it, and then we see today these amendments that have been added on, that basically, that Chairman Bosse's roll-together amendment, any way that anybody could have been prepared then to file amendments to what we're going to be voting on right now?

MARCHANT: That was an objection that was brought up in the committee both by Republicans and Democrats as that question was asked and it would have been very difficult.

CLARK: Well, let me ask you this. When you, when Dr. Engstrom did testify, and he was the redistricting expert, the professor that was brought in to testify on the plan, did you ask him to give an opinion, or an estimate as to the percentage of voting-age Hispanics it would take to create a realistic opportunity for Hispanics to be elected in the urban counties of Dallas, Tarrant, Harris, Nueces, Bexar, and Jefferson?

MARCHANT: Yes, I did ask him those questions, he did not answer.

CLARK: Was he able to give you an answer?

MARCHANT: No, he was not.

CLARK: Well, could that committee's expert tell you what percentage of voting-age African-Americans it would take to create a realistic opportunity district for an African-American candidate to be elected in those counties?

MARCHANT: He was not able to answer that question.

CLARK: Well, now we've got this, basically a new plan based with all the roll over, it's a completely different plan than that considered by the committee, has there been any testimony by an expert on the voting-age population necessary for minority opportunity districts there?

MARCHANT: No, not in the...no.

CLARK: Well, now the United States Supreme Court has given us some guidance on redistricting. Under the Gingles test, for example, you're supposed to, if you have a large enough, and cohesive enough, minority community to elect a representative, it should be given, an attempt should be made to draw that district. Do we have any expert testimony or any evaluation at all on what we're going to be voting on tonight?

MARCHANT: No.

CLARK: Or even the plan that was laid out, that it met the Gingles test?

MARCHANT: No.

CLARK: In fact, you asked Dr. Engstrom on the original plan would it have met the Gingles test, was he able to answer?

MARCHANT: He was not able to answer about the Gingles test.

CLARK: Now, there's another test the supreme court has given us called the Shaw Test. Did you ask Dr. Engstrom about the plan that was before the committee about that? Was he able to answer that?

MARCHANT: He was not able to answer that question.

CLARK: Was there any testimony about the committee substitute, as finally voted on on that Monday about the Gingles test or the Shaw test?

MARCHANT: He was not able to answer those questions.

CLARK: And do we have any evaluation on that before we vote tonight?

MARCHANT: I do not.

CLARK: Now, as a member of the redistricting committee, as chairman of the Republican Caucus, can you recommend a vote for this plan Mr. Jones has laid out when we don't have any idea or testimony about these important constitutional and statutory factors?

MARCHANT: I cannot make an informed decision on that. I would say that the plan that I designed fits that criteria.

CLARK: Now, when you were preparing the plan that we're going to be voting on right now, did you have an opportunity to get advice and consultation with experienced legal council to go over these same kinds of constitutional and legal issues?

MARCHANT: Yes.

CLARK: And has every effort been made to scrub this plan to be sure that it meets the Gingles test, the Shaw test, the compactness test, avoid retrogression, meet the non-splitting a county rule?

MARCHANT: Every effort has been made on my part, yes.

CLARK: In comparing these plans, could you compare compactness between the committee plan and the plan that has been prepared with you and the help of other Republican members?

MARCHANT: Yes.

CLARK: And what is the comparison of compactness there?

MARCHANT: We feel like our plan is 13 percent more compact than the committee plan.

CLARK: And what about deviation, in other words, the amount of deviation from the projected ideal districts, is there, can you compare the two there?

MARCHANT: We kept the deviations under nine, around nine percent, but our deviation was less, there was less deviation.

CLARK: And what about the county, the splitting county rule between the two plans? How many counties are split under the plan that you've prepared?

MARCHANT: One.

CLARK: And was that necessary, because when you come down to the final analysis, you wind up having to do it because of where it is and there is no way to avoid that?

MARCHANT: Chairman Jones and I did discuss this early and I think that Chairman Jones and I quickly discovered both drawing plans, that one county had to be cut.

CLARK: Thank you.

D. JONES: Mr. Speaker?

MR. SPEAKER: Mr. Jones.

D. JONES: Would the gentleman yield?

MARCHANT: I certainly would, Mr. Jones.

MR. SPEAKER: Gentleman yields, Mr. Jones.

D. JONES: Kenny, and I hope you don't object to...

MARCHANT: I don't at all.

D. JONES: ...my use of your personal name. I want to use this mechanism to clear up a point that I think is important. It's the discussion about the Friday meeting that we had and, correct me, well, I will ask you if it's a correct statement. That will be my question. At that particular meeting, we found that we had some amendment data that we had just barely received, and I believe that very early on, the first concern expressed about the timeliness of data to

be considered was raised by you and by Mr. Grusendorf, as I recall our table conversation. Is that pretty accurate?

MARCHANT: Yes, sir, we did raise some suggestions.

D. JONES: And, my response to you was that I had concerns about the same issue, I believe that was the gist of my...

MARCHANT: That was your response, Chairman Jones.

D. JONES: And my effort, from that point forward, was determining whether we should recess, whether we should adjourn, and I needed to find out a method for letting all the members have time to study those and that method that we discussed was that we would not continue on Friday, but we would meet on Monday morning, I believe I'm correct in that analysis? And...

MARCHANT: Yes, sir, you—I'm sorry.

D. JONES: I am correct in that analysis?

MARCHANT: You agreed for us to break for the weekend and meet back on Monday morning and...

D. JONES: ...and the whole intent of that particular concern that you had, and that I had, was to be sure that our committee members had adequate time to review the amendment and then approach them in an orderly fashion, which we did on Monday morning. Is that correct?

MARCHANT: Chairman Jones, at this point, that is what happened. I think throughout the hearings, though, I questioned why we had not had earlier hearings and had not spent more time as a committee contemplating, trying to reach compromise, trying to reach some kind of a middle ground, and that is my regret still at this point.

D. JONES: Thank you, and I do not dispute that statement of yours because you did express that concern.

MARCHANT: Thank you, Mr. Jones.

MR. SPEAKER: Point of order has been raised that the gentleman's time has expired; point of order well-taken and sustained. Mr. Marchant sends up an amendment, Mr. Jones moves to table, question is on the motion to table, all those in favor of the motion to table vote aye, opposed, vote no, it's a record vote. Have all voted? There being 79 ayes, 69 nays, the motion to table prevails. Anyone wish to speak for or against? Passage to engrossment on **HB 150**. Ms. Delisi in opposition.

DELISI: Thank you. Thank you, Mr. Speaker, and members. Members, the face of Texas is changing. This is a big state, this is a diverse state, 21 million people. The debate tonight affirms that the face of Texas is changing. That face is decreasingly rural and increasingly small urban, urban, and suburban. Like my area, along I-35. Texas has weathered change before, and will weather this change as well. But the question at hand is, will this chamber do the same?

Now this changing face of Texas reflects a new economy. Texas relies less and less on the old standbys of oil and gas exploration and agriculture. Nowadays it's health care, high tech, and biotech, those are the engines of the

future. According to the controller, the Texas economy continues to shift away from goods-producing industries of manufacturing and mining and agriculture. Texas political representation must reflect those changing realities. If the people's political representation is tilted in favor of the economic interest of the past, the people will suffer and the economy will suffer, but if the map we produce does not reflect the changing economy, then those we elect to represent us will not guide public policy in the direction of this grand 21st century. Doing so, we do a disservice to the Texas of today and to the Texas of tomorrow. Members, look at the economy, look around you and see the changing face of Texas.

The political face of Texas has also undergone tremendous changes. As this state has aged, it has matured from a one-party state to a state where both parties now vie for dominance. In the past decade, Republicans have swept across this state like wildfire. Republicans now hold every single statewide elected office. If districts are drawn that are fair, compact, and respect communities of interest, then the political ramifications will indeed follow.

The face of Texas is changing, it is no longer dominated by us Anglos, Jim Dunnam, minority representation must be increased and members, it's a fact, the Valley deserves greater representation. So members, we can produce a map with upwards of 34 Hispanic opportunity seats and 12 African-American opportunity seats. And I was proud to support the Marchant proposal because three of those Hispanic majority seats are open seats, not seats dominated by Anglo Democrat incumbents like the Jones plan. Members, never ever forget the power of incumbency. I ask you to defeat this Jones plan and to support the real opportunity for minorities, not mathematical expediency.

And lastly, members, the changing face of Texas is also, madam chair, a female face. Of the 34 women currently serving in the Texas legislature, a majority 27 of them represent small urban, urban, or suburban districts. But look at the effect of limited female representation in this house, members. There is not a single Republican woman chairing a committee in this house today. But let's cross party lines, and look at the entire house women's representation. There are five women committee chairs out of 31, 16 percent, the state affairs committee has two women among its 15 members, 13 percent. The calendars committee has two women among its membership, the redistricting committee counts two women among its 15 member body. The ways and means committee has one woman in its membership. The house Select Committee on Teacher Health Insurance counts one woman among its membership. Astounding. A six percent representation by women. The public education committee has one woman among its membership. Members, there is only one word for all of this and that word is: Bubba-ism. Aggregation of the "one person, one vote" rule preserving rural districts slam down to the bottom of the acceptable deviation in exchange for urban and suburban districts slammed up to the top of the acceptable deviation disenfranchises Texas women. Currently, 18.7 percent of the Texas Legislature is female. Under the Jones proposal, I fear that those numbers may decline in the face of pressure from the bubba caucus. Women make up almost 52 percent of the Texas population. We must face the realities of this population change. We must face the realities of population shift. Texas must join the 21st century. The first step in doing so is producing a set of house districts that preserves the ability

of soccer moms and urban women to elect their own representatives. A plan that focuses on preserving the state's good-ole-boy network at the expense of the state's growing population is unacceptable.

I urge you to support a plan, the only plan, that accepts the realities of our time, I urge you to defeat the Jones status quo plan. Legislators, I ask YOU to look in the mirror—the face of Texas is changing.

MR. SPEAKER: Chair recognizes Ms. Hamric.

HAMRIC: Thank you, Mr. Speaker, members. I rise to speak in opposition to the Jones plan. Members, the Republican base has increased during the past 10 years by 902,000, while the Democrat statewide vote has only increased by 127,000. In spite of these facts, the committee plan is drawn to reflect fewer Republicans in state representative districts than there are currently. Abraham Lincoln talked about a government of the people, by the people, and for the people, the very basis of our democracy, which rests with the idea of the consent of the governed, which is expressed in our elections. When large segments of our population cannot express their consent, the very idea of democracy is undermined. This is exactly what happens with districts that are unfairly drawn. In spite of the fact that nearly 60 percent of the voters in Texas have shown their preference at the polls for Republican legislative candidates, the committee map is drawn to actually dilute Republican representation. In my own county, even though 10 years ago there was legislative precedent set that gave 11 representatives to Bexar County with a 10.46, Harris County at 24.46 is being reduced from 25 to 24. I would talk to my good friends from Harris County, Sylvester Turner, Ms. Farrar, and many others, who have talked about sampling and the undercount. Members, by voting for this plan and agreeing to dilute our legislative delegation from 25 to 24 members, you will be validating undercounting. Members, I ask you to vote no on the Jones plan.

MR. SPEAKER: Chair recognizes Mr. Dutton in favor.

DUTTON: Mr. Speaker and members, thank you. Let me thank Mr. Jones and Mr. Marchant, and all of the people who have thought enough to develop a plan that might be presented to this legislature. But, today, I rise to ask that you vote for the Delwin Jones plan. The African-American community, I believe, would support the adoption of this plan, as amended, and I also support this plan. The districts that are contained in this plan, I believe, protect African-American communities with an opportunity to elect representatives of their choice. Based on my knowledge of District 142, as drawn in the amended plan and based on my knowledge of the turnout and voting patterns of African-American communities contained in District 142, I believe that District 142, as drawn, will continue to elect an African-American member to the Texas House of Representatives and so, therefore, I will plan to support the Delwin Jones plan. I have listened, members, to the debate. As you know, I have not had one thing to say today about any of the plans because I thought it was quite interesting, but I went back to when I first, my first redistricting plan, not as a member of this body, but it was back in the old days when we had to do it by hand, and I was one of the people helping to draw some maps. And I said at that time, and I remember thinking, why are people so interested in what race, what gender, or where people come from to draw them on this map? At some point, you have to represent Texas, but then one person reminded me,

who was a senior person in the legislature, that, Harold, you got to get here first. You have to get to the legislature before you can represent Texas and represent your district.

And so I thought about that today and thought about that conversation I had that all of us would like to have a better Texas, and yes, Ms. Delisi, the face of Texas is changing, and I hope it's changing for the better. And I hope that one day somebody will stand here and we'll probably find some other differences to make in terms of redistricting, when race doesn't matter anymore, when gender doesn't matter anymore, when Republican or Democrat doesn't matter anymore, and I'm not sure what the basis would be at that point, though. But I hope we'll get there one day. But right now, the only thing I do understand is that we all, and I saw some of the people in the gallery saying this is a protection plan for incumbents, well, yeah, I guess it is, but who else would we protect? I mean, who else would you rather we protect? I've listened to the demonstrations in the gallery, even all of the redistricting I've been through, I've never seen that before, I've never heard people in the gallery participate on the redistricting plan, and yeah, maybe they have a right to do that, but I think there's a higher calling to be in this body. I think it transcends race, I think it transcends gender, I think it even transcends party lines, and I think that when Republicans and Democrats can join hands and minds and come together and fashion a plan that's best for Texas, we all win. I think the Jones plan does that. It's not the best, if I were drawing a plan, members, that's not the plan I would draw, quite frankly. Because I'd start with my feet first, and then I'd draw the rest of you all, to me that would be fair, and so I have to accept the fact that there are infirmities about every plan that I have seen, some of them had me going all the way to northeast and some of them had me going all the way to East Houston, and, quite frankly, members, I think that, you know, if I'm a good enough state representative, I could probably win that district or the other district, or any district. But I just hope that somehow or another at some point we get together to sit down and really fashion a plan for this new face of Texas, because if we don't, if we don't recognize that, if we don't recognize that education doesn't matter whether you're Republican or Democrat, public education doesn't matter whether you happen to be from the north or from the south or from the east or West Texas, it doesn't matter. What matters is that we have a plan that best represents the opportunity for the people in Texas to decide who they want to represent them in this body. And Mr. Speaker, I'll be happy to yield at this point to my colleague, Mr. Wilson.

WILSON: Mr. Speaker, does the gentleman yield?

DUTTON: I yield, Mr. Speaker.

MR. SPEAKER: Gentleman yields, Mr. Wilson.

WILSON: Thank you, Mr. Speaker. Mr. Dutton, I'm looking at the number of African-Americans that are in your district under the Jones plan, and the number I see is 44.3 percent?

DUTTON: That's correct.

WILSON: And then I look at the number of African-Americans in your district under the Marchant plan, and it's 53.8 percent?

DUTTON: That's correct.

WILSON: The difference is almost 9 percent.

DUTTON: Almost 10 percent, that's correct.

WILSON: Ten percent, all right, do you think, I mean, you've represented this district for quite some time...

DUTTON: Right, I didn't like it when it was first drawn, I will tell you that.

WILSON: I understand.

DUTTON: In fact, I believe you and I voted against it.

WILSON: We did. Is it easier, just as a straight question, is it easier, would it be more likely that an African-American would succeed you in this seat under the Marchant plan or the other plan?

DUTTON: Well, to answer you honestly, that's a difficult call, Mr. Wilson. I, you know, when I first ran in the new seat that we crafted for me back in '91, I went up to the northern part of my district and I was invited to the, to the community [inaudible] meeting that, I think, Ms. Hamric used to represent that area. And I went and I was the only person of color in the room and I remember I stood up and I explained who I was and I talked to all the people there and I told them I'd give them a chance to ask questions and the first question was, how did I get to be their state representative. And, and so I stood there and I said, well, who was your state representative last time, and they said, we don't know. And I said, well, let me explain something to you, you are already way ahead of the game than you were over the last 10 years because I'm here and you know who I am. And they said, well, we'll never get to vote for you because you always run in the Democratic primary. And I said, yeah, and I would hope that means you won't vote against me in the general election either.

And I guess my answer to you, Ron, is that, I don't know the answer to that. I don't know the answer to whether or not somebody that's African-American—but I do hope that whoever represents that district—that district's only had two other representatives other than myself, Mickey Leland, as you know, and El Franco Lee, and I would hope whoever would represent that district would represent the people who live in it. That is probably the most diverse district of any inner city district in the state. And on the one hand, I've got people who live in \$300,000 town homes and at the other end, I've got people who, in their lifetime won't earn \$300,000. And so I have to try to represent them.

WILSON: But you went to that new area, Mr. Dutton, as an incumbent member of the house of representatives...

DUTTON: That's true.

WILSON: ...with a number of years of seniority.

DUTTON: That's true.

WILSON: Do you think someone who had never served in this house before in an open race would be as well-received as you were? I know you'd like to think that they were, because you know...

DUTTON: Well, I would go back to when I first ran, Ron. I wasn't too well-received outside of my home district when I first ran. And those people looked like me, I had to convince them that I was the person that they ought to trust with their vote and so when I started I did almost the same thing again, I went to the northernmost part of my district, which, at that time, was very compact and I got out and I knocked on doors and the first door I knocked on, a lady said, what did I want. I told her I came to talk to her about voting and she said I'd better get off her porch. And so I decided to go back to the Fifth Ward where I knew the people and I started campaigning there. And I guess, I don't really know the answer to your question. And I understand where you're coming from, though, I understand that it makes, I could say that if I had a 100 percent district that was minority, would a minority always represent it? I couldn't give you a 100 percent answer. I couldn't say 100 percent of the time, African-Americans are going to elect only an African-American in their district.

WILSON: No, but the question would be, would they have a better opportunity to elect an African-American, not necessarily that they would.

DUTTON: Yeah, and I guess that, as you increase the percentages, you have to agree that, I would have to agree, rather, that you increase—the likelihood of the opportunity increases, obviously.

WILSON: Okay, Harold, so you're at 44.3 percent under the Jones amendment?

DUTTON: Right.

WILSON: Suppose you were at 39.3 percent under the Jones amendment, would you be as confident as you are now?

DUTTON: Well, obviously, the higher it goes, the increased opportunity, the lower it goes, the lesser the opportunity.

WILSON: But where would you be comfortable in standing before the house saying that you think that, you know, you could, this district would be okay, as far as you're concerned, and would you be able to get re-elected?

DUTTON: Well, you know, I think I could do it under the current plan, Ron, I mean I think I can do it under 43 percent, I'd like to think I could run in Peggy Hamric's district and win, I mean, I'd like to think that.

WILSON: Sure.

DUTTON: I mean, I'd like to think that if I went to those folks and really explained that I could represent them and they could trust me with their vote to do it the way they wanted to do, I would, I think that, but realistically, I think that in the district as it stands now, the 43 percent, I think, provides perhaps not the maximum opportunity, but I think the best opportunity to elect an African-American from that district.

WILSON: You think that if you had not held a position, and you were starting fresh as an open seat, you as a young African-American were running in this seat, would you be comfortable with a 43 percent of an African-American voting age population?

DUTTON: Yes.

WILSON: Would you be comfortable with 40 percent?

DUTTON: Well, now, when you start going the other way, I get less comfortable, I can tell you that.

WILSON: I know, I just, you know, because as we move through this process, that may very well be a...

DUTTON: I understand.

WILSON: ...possibility, so I'm just, you know...

DUTTON: I understand, and as it goes down, the less confidence I have that a person of color would win that district.

WILSON: So it's a yes or no at 40 percent?

DUTTON: I'm not sure, I couldn't answer it at 40 percent, it's never been at 40 percent so it would be hard for me to give you yes or no, but I could speculate with you that, that I believe, yeah, you could probably do it at 40 percent. But as long as there was, as long as, I mean, you know, elections require work...

WILSON: Sure, sure.

DUTTON: ...as you well know. They require work. I mean, it's a matter of you getting your voters to the polls versus if there's a candidate...

WILSON: If you drew it yourself, Harold, would you do it 40 percent?

DUTTON: No, sir.

WILSON: What would you draw it as?

DUTTON: I'd probably draw it at the 43, 44, 45 percent level. Closer to the 50 percent. And the reason for that is, and the reason for that, I would do that is because, at the upper extreme of my district, it would become, over time, I think, there would be a greater growth in that area than there would be in the southern part of it.

WILSON: Sure, sure.

DUTTON: And that's the reason why.

WILSON: Okay, thank you very much.

DUTTON: Thank you, Mr. Wilson.

McCLENDON: Mr. Speaker?

MR. SPEAKER: Ms. McClendon?

McCLENDON: Would the gentleman yield?

DUTTON: I yield, Mr. Speaker.

MR. SPEAKER: Gentleman yields, Ms. McClendon.

McCLENDON: Mr. Dutton, are you aware that we had single-member districts in this state beginning in 1972?

DUTTON: I was, I am aware of that.

McCLENDON: Are you aware of the fact that in San Antonio, Texas, the first state representative was Representative G. J. Sutton, who is now deceased?

DUTTON: I remember that, as well.

McCLENDON: Are you aware of the fact that that district starts out at about, probably about 39 or 40 percent African-American district...

DUTTON: I remember that as well, because that was during the time when I was one of the people trying to help with the maps.

McCLENDON: That's right. Do you remember the fact that G. J. Sutton, because he got out and worked his district, and was in communication with the constituents of that district, he represented them, and that he was able to continue to get reelected as an African-American from District 57E, at that time.

DUTTON: Absolutely, and then his wife followed him, upon his death.

McCLENDON: That's right. And were you aware of the fact that after Representative Sutton passed away in 1976 he was succeeded by his wife. Mrs. Lou Nelle Sutton?

DUTTON: Yes.

McCLENDON: Are you aware of the fact that the African-American population in that district even decreased even further when she became representative, to around, I think it was around 35 percent?

DUTTON: I am aware of that, Ms. Jones.

McCLENDON: Are you aware of the fact that she continued to get reelected because she was in tune with her constituents and she listened to what they had to say and they thought that she was the perfect representative and the fact that she represented, at that time, a part that we talked about today, Terrell Hills, which is one of the most like the River Oaks section of the town in Houston, Texas, and she represented people who, probably won't even make \$100,000 in their whole lifetime?

DUTTON: I'm pretty aware of her district, in fact, on occasion we went, I think the Black Caucus did, went down to San Antonio and she was kind enough to give me a tour of her district. Very nice person, too.

McCLENDON: Very nice person. Are you aware of the fact that after Mrs. Sutton was representative, Karyne Conley was the representative from that district and, at that time, the district was about one-third African-American, one-third Anglo, and one-third Hispanic?

DUTTON: Yes.

McCLENDON: And Representative Conley continued to get reelected from that particular district, District 120?

DUTTON: Yes, I remember that.

McCLENDON: Are you aware of the fact, that secondly, the district that I represent, 120, is about one-third, one-third, one-third: one-third African-American, one-third Anglo, and one-third Hispanic?

DUTTON: I am aware of that, Ms. Jones, and I think you do a good job of representing them, and I think with those percentages you'll do well and probably come back here.

McCLENDON: And I think, Mr. Dutton, that that shows, if you'll agree that there is history in San Antonio that an African-American can represent the African-American population, where the population is that amount in San Antonio.

DUTTON: I think that's true for most places, Ms. Jones.

McCLENDON: And also, are you aware of the fact that in District 50 in Austin, Texas, the African-American population is 26.8 and that representative is Representative Dawnna Dukes?

DUTTON: I am aware of that, yes.

McCLENDON: And Dawnna Dukes is a very effective representative for her district here in Austin, Texas, and continues to get reelected with opposition almost every time?

DUTTON: I'm equally as aware of that, Ms. Jones.

McCLENDON: Thank you, Mr. Dutton.

DUTTON: Thank you, Ms. Jones.

COLEMAN: Mr. Speaker?

MR. SPEAKER: Mr. Coleman?

COLEMAN: Yes, will the gentleman yield?

DUTTON: I yield, Mr. Speaker.

MR. SPEAKER: Gentleman yields.

COLEMAN: Harold, before I was elected to this seat, your very good friend, and unfortunately he's not with us, represented this seat before me, Larry Evans.

DUTTON: Right.

COLEMAN: And that district had dropped below a certain population of African-Americans and when he was deceased there was a special election, which elected an African-American in a district that was not over 50 percent African-American?

DUTTON: Right. And again, I think that's a tribute to the hard work of people like yourself, and certainly Larry Evans worked that district to where it made a lot of difference in terms of who the person was that's representing them. I think, Garnet, to, and I, you know, I think people trust people first and they probably see your color next. If you get out and work a district, now that's not without some exceptions, but I mean, by and large, I think the people who tend to go to the polls and vote...

COLEMAN: And you know that when the lines were drawn in 1991, the district went out to the suburbs and the lines changed within four months and an African-American was elected out of that district as well as me...

DUTTON: Yes, sir.

COLEMAN: ...and that was a new district?

DUTTON: Completely new. Thank you, Mr. Speaker.

MR. SPEAKER: Point of order has been raised that the gentleman's time has expired; point of order well-taken and sustained.

DUTTON: Thank you, Mr. Speaker, I urge you to support **HB 150**.

MR. SPEAKER: Mr. Craddick? Chair recognizes Mr. Seaman in opposition.

SEAMAN: Thank you, and I know our members will be courteous and listen, we've had a long day, and I know we all have a chance to say our piece. Thank you. Twice today I was up in back and the front and very light-hearted, and, you know, I trusted the system that it would take care of the problems. Frankly, it did not. It still remains the same. I guess I'm kinda disappointed that [inaudible], go along to get along. Let me tell you what it does to the coastal bend of the Corpus Christi area in the Coastal Bend, the Coastal Bend area, friends, listen, my friends, to South Texas. The Coastal Bend area in a few years will lose, probably, three of the six members. Consider that. That's a total disenfranchisement of the sum 300,000 people in the metropolitan Corpus Christi area. Or, that's 400 in the metroplex area of Nueces County. I had 89,000 people in District 32 and it's now shrunk to one precinct. I have now roughly 120,000 new people in my district. But this is not about Gene Seaman, this is about the Coastal Bend. Could I have your attention? Give me that courtesy. The loss of three people over the years—Salinas will probably lose to somebody in Starr County because of the rapid growth in Starr County around the border, Starr and Jim Hogg, some 60,000 people. Seaman is obviously going to lose immediately. Chairman Rangel will probably lose at some point along the way because 90,000 of the people are in Cameron and Willacy County, and let's not think that some hotshot down there won't say, hey, I can win that district and run against Chairman Rangel, and that's a high-growth district, and Kleberg County is a zero-growth district, and so is Jim Wells. Pardon me. Pardon me, please. I give you the courtesy. Please. Please. Thank you. Let me say my piece. Thank you. It's a disaster to the Coastal Bend area. The Jones plan, my friends from South Texas, creates one open district. That open district's along the Rio Grande. If you go from George West and Live Oak, that's in your district, Judy, you go from George West and Live Oak to Zapata, Texas. And then from Zapata to Del Rio, hundreds of miles. And then back to George West, it'll take some state rep, look at that map, it'll take some state rep two days to make that round trip to see their constituents. That is an unbelievable district. The Republican map, the Marchant map, creates two districts that are very, no, much more reasonably compact. Now, my, like Mr. Dutton, I'm not here to represent me, I'm here to represent the people. There's a lot of other things I can do in life, I probably won't be back under this plan, it's pretty obvious, but that's not important. Gene Seaman, you know, is not important. The people of the Coastal Bend, the people of the South Texas area are what's important. That over the next decade, that we have representation that's compact, community of interest that's fair, that we can be proud of. We want to go home and say to our folks at

home, I'm proud of the plan that I voted for, and I say to my dear two colleagues in Nueces County, we need to be able to go home and tell the chamber and the port industries, and our friends and the mayor that we are proud of what we voted on here that it really does the right thing for Nueces County. I ask you to vote against the plan because this is unconscionable for the representation of the South Texas people. Thank you, folks. God bless you.

MR. SPEAKER: Ms. Farrar? Ms. Farrar in favor.

FARRAR: Mr. Speaker, members, you know I don't take this front mike very often, but I reserve it for special times. This plan, myself and Representative Moreno and Representative Noriega worked together on to create, we were elated when we looked at the numbers and we saw we had an actual force opportunity in Representative Bailey's seat for a Hispanic district. And then we looked, we took it a little further and we said are there any other possibilities for Hispanic growth districts? And we found, I think, in my computer, I have about 22 different plans in all but I want to tell you this really is a good plan for Hispanics in Harris County. In Representative Yarbrough's seat we have another majority Hispanic seat and our time has really come. Right now, we are three seats out of the 25 seats coming from Harris County. And that's certainly not enough representation. I also want to make a couple of other points. A lot has been said about the politics in Harris County and, Ms. Hamric, one thing you might have overlooked is that there, no, I'm sorry, there is one judge that's a minority in Harris County that's been elected. Many others have been defeated when they go back to the polls. So I'm not sure that that's the best litmus test for the direction that our voting patterns need to go, but I'm really excited. I think the face of Texas is changing, and I'm excited in the direction it's changing. And I'm glad to see that this house is finally responsive towards that. Members, I urge you to vote in favor of the plan. Thank you.

MR. SPEAKER: Oliveira in favor.

REPRESENTATIVE OLIVEIRA: Thank you, Mr. Speaker, members. I've heard so much tonight about the complexion of our state. I've heard a lot from many of you about the complexion of our state and how it is changing. And I have to say on one or two occasions, it has rung hollow. It has rung hollow when you have embraced it for your convenience, when you have embraced it because you thought it was good for your cause. But let me ask you to be there later, 10 years from now. Because what we do tonight affects the next decade. When I was born in 1955 there was one Hispanic here. One Hispanic in the house and the senate. When I was born in 1955, there were no African-Americans. And here I stand before you in 2001 and I have heard tonight, I have heard tonight over and over about bubba-ism and, my friends, that grows weary, too. Because I will tell you tonight, I stand before you as the only Hispanic ways and means chairman in this country and it's because of the process that we live in. And I heard tonight that we don't have women represented in this body. When we have Chairman Rangel that has given to more children and more people in higher education than anybody else, and Senfronia Thompson and Debra Danburg and Chairman Davis and Patti Gray,

so don't tell me, don't tell me that this body isn't run fair and don't tell me that this body is not run in a way where people have an equal opportunity and where Hispanics don't have a chance. And I'll talk to you about the vice chairs: Dawnna Dukes, Jessica Farrar, Norma Chavez, and Ms. Woolley, who today was very passionate in her opposition, Vicki Truitt, Judy Hawley, these are people that contribute, that I am very proud to stand side by side and work with and say, I am part of them and they are part of me. And that is part of Texas. Yes, I've heard tonight that there are a lot of people that want to tell us Hispanics that, well, I like you when it's convenient, but I don't like you when it counts. Well, tonight, like us when it counts, like us when it's convenient, and vote for this plan. Have we been denied? Yes. Why were we denied? Because there was an undercount, because we didn't count all our people in Texas. And yes, Mr. Corte, one vote, "one man, one vote," yes, sir, you're right. And that didn't happen in Texas, if it did, we might not have had some of the fights we had tonight. But please join me, please join me. We will get there as Hispanics, we will get there as Texans. Please vote for this plan. Thank you.

MR. SPEAKER: Mr. Garcia, on the bill.

GARCIA: Members, diversity always helps to enliven everything that happens, whether it's in the school board meeting or in the house of representatives. Diversity enriches our culture and it enriches Texas. When I grew up in Dallas, Texas, I never had a Mexican-American teacher the entire twelve years that I went to school in Dallas, in Richardson. Dallas has changed since then. One of the problems I have, in terms of dealing with this, with this plan, is that everyone knows that the growth of Texas has increased tremendously in the last decade; however, the growth has been in the growth of minority Texas. Anglos and whites comprise only 16 percent of the 3,865,485 new Texans. Latino and minority growth makes up the other 84 percent. The growth has significantly disrupted the population patterns in this house apportionment plan that was adopted in the 1990s. As a result, nine new house districts were done. Of those, only one was majority Hispanic. Think about that. Eighty-four percent Hispanic growth, Latino community, only one district. Now, what they try to do with some of the amendments is to add a few more Hispanics to make it look like somebody could get elected, but this is a prime example of an intentional act that violates Section[s] 5 and 2 of the Voting Rights Act, as well as special due process and equal protection provisions of the Texas Constitution. Let me just tell you, in Dallas County, where Latinos are now 30 percent of the population, what this plan does, it leaves my district as the only Hispanic district. There are four African-American districts that this plan creates and they have 20 percent of the population. That's not fair. That's not right. So I'm here on behalf of my constituents. All the little Jose's and Maria's who live in Dallas, and who may not have a chance for another 10 years to elect another person, another Domingo Garcia that looks like them, if we adopt this plan. If there is no veto, there's a question the Department of Justice will ask the State of Texas: is it obvious acts of intentional discrimination, under Section 5, that this plan is not a random act, but a carefully thought-out action by people intentionally doing the diluting, and gerrymandering the Mexican-American population in Dallas? The answer that, it just happened that way,

which was used in 1971, is a non-starter, the answer that we were just complying with the Voting Rights Act, belies the results that in 1970, 1980, and 1990, all our plans were overthrown by court order. I represent a district, District 104, that under this plan, is the largest house district in the State of Texas. It's not a Republican district in Collin County or Harris County, it's my district. Why? Because I'm packed. What is the intent of the packing? Okay? We had an amendment to add more Hispanics to District 103, Mr. Wolens' amendment. You know what that amendment did? It raised the Hispanic registration voters in his district from 24 to 26 percent. I'm sorry? For the next ten years. That's the reason that I have serious problems with this plan. I'm a Democrat, I'm proud of it. But being a Democrat means you've got to be democratic. This plan is not democratic for the Latinos of Dallas County.

MR. SPEAKER: Ms. Rangel in favor.

REPRESENTATIVE RANGEL: Thank you, Mr. Speaker. Mr. Speaker and members, under the Jones plan, I plan to come back. And I will be back, thank you.

MR. SPEAKER: Mr. Craddick in opposition.

CRADDICK: Mr. Speaker, members, first of all let me tell you, that's a tough act to follow, and I'll sure pray that you do come back. Thirty years ago, I stood at this same podium at the end of the redistricting bill, when my home county was split in half down the street I lived on. I said at that time the plan was not fair and it's illegal, yet the people in this house took their responsibility and threw it away and laughed and said, well, that's just kind of the way it's going to be because we control the process. I took that to the Texas Supreme Court: Craddick v. Stint, which they don't split county lines in the Texas House. Thirty years have passed, but you know what? The process really hasn't been fixed or changed. We've got more Republicans and fewer Democrats, but we've still got a process here for we're going to pass a plan that's not fair, it's not compact, it's not constitutional, and it does not express the will of the people in this state. Fifty-eight percent of the people that voted in a Texas House race in this last election cycle, voted for a Republican. You know, I'm appalled at what I heard tonight on this floor, that we are giving Hispanic seats, we are giving Republican seats, you're not giving them anything, they deserve them, both of them. And they deserve the right to participate in the growth in this great state. And I don't mean you pack all of one or the other in a district so we end up with a district like we had in Collin County, or even in Mr. Keel's district in Austin, where you have all these people packed in. And you and I tonight are really giving up our rights and responsibilities that we have when we were elected, because the people asked us to come down here and pass a plan that would stand up in the courts, if that's where it went. But you know, I've been in four redistricting sessions, and all four have been written by the courts. And if that doesn't tell you something, one way or the other, if that doesn't tell you that there's something wrong with the process, you need to think again.

Let's talk about who's being partisan in this plan. They talk about the Republicans are partisan, let me go through the losses in the individual counties. Harris County loses one seat, whose seat? Representative Talton, who's a

Republican. Bexar County loses one seat, whose seat? Representative Corte, who is a Republican. East Texas loses one seat, whose seat? Representative Christian. Guess what? He's a Republican. West Texas loses, basically, two seats, who are they? Representative Hardcastle and Representative Walker, both of which are Republican. South Texas loses a seat, whose is it? Representative Seaman, who's a Republican. I think it's real easy and clear to see what kind of a partisan plan we're passing. I ask you to vote no, thank you.

MR. SPEAKER: Chair recognizes Mr. Jones to close.

D. JONES: Mr. Speaker, members, I address you tonight to make one final explanation to you as to how this plan was developed. It's true that it has the name Jones on it, it's the Jones plan, and I take, and I should take, full responsibility for the major construction of this bill. All of you know, that if you're chairman of a committee, whatever bills that you're handling take your name and a lot of input goes into it, but you're the person who is primarily responsible for that end product. Because you either accept it, recognize, thinking that it's been official, you accept it because you feel it's constructive, but at the end of the process, it's your responsibility, you're the author. I can tell you in total honesty that throughout this process, the guiding principle was NOT how many Republicans will this create districts for? It was NOT how many women will this plan elect at the next election? It was NOT how many blacks will it disenfranchise, how many Hispanics will it disenfranchise? Those were not the principle bases under which this plan was constructed. This plan was constructed to be fair to the people of the State of Texas. Certainly, I do not say that anyone who has criticized this plan is misrepresentative because I recognize that each spokesperson up here has been true and sincere in their interpretation throughout this plan, each district, as it evolved was subjected to the legal task. Is this district legal? I used the best resources available; I'm not an attorney, I'm just a farm guy that got elected to the legislature many years ago. We subjected it to the scrutiny of, does it follow court cases that have been decided on the subject of redistricting? I have relied on the legal counsel for that direction and I would not pretend to any one of you that I researched these items personally, because I did not. We made a diligent effort to be respectful to communities of interest and this is a difficult thing to do when you comply with court orders, constitutional rules, and we tried diligently to comply with all of these and at no point did I sit down and ask for, nor did I develop a consideration for who would be elected from whatever these districts are, who would be elected in the future? Because that will not be your responsibility and it will not be mine. That responsibility will rest, as it should, with the people in the State of Texas, and they'll make those decisions.

And I will review for you some history, we've had a great deal of discussion about progression. When I first came here in 1965, there was one Republican. Had subsequent redistrict plans been totally capable of preventing Republicans from being elected, I think that you would probably agree with me that the Democrats of that day, and I was one of them, could have drawn plans like that. Each time I have ever seen this process evolve, these plans have been drawn and these plans did not determine whether women were elected, whether

blacks were elected, or whether Republicans were elected. The people of the State of Texas have made that decision and we have moved, I think, in a progressive, responsible direction. Yes, we've certainly improved the looks of this body when we have elected many women, when the people have elected many women to the body, we have certainly, as evidenced tonight, developed a legislative, competitive position by electing more Republicans, and many of you, throughout the day, and I'll bring these remarks to a close with this summary. Many of you have been extremely kind and extremely complimentary to me today. I think you have recognized that I have never attempted to mislead you and I have tried to keep you fully informed and you have been so considerate and complimentary. I will ask you now to show me one more compliment, I want you to vote with me for this plan because I truly believe that it is a plan that is respectful of the people of this state and that is the responsibility that we should adhere to. Mr. Speaker, with that, I conclude my remarks.

MR. SPEAKER: Question occurs on passage to engrossment of **HB 150**. All those in favor vote aye, opposed, vote no, it's a record vote. The clerk will ring the bell. Have all voted? There being 76 ayes and 71 nos...

MADDEN: Mr. Speaker?

MR. SPEAKER: **HB 150** is passed and...

MADDEN: Mr. Speaker? Mr. Speaker?! Request for verification.

MR. SPEAKER: Mr. Madden requests verification. Members, take your seats, only a five-vote spread.

UHER: Mr. Speaker?

MR. SPEAKER: Mr. Uher.

UHER: Mr. Speaker, under the house rules, we do not permit demonstrations by guests in the gallery, and I know that this has been a very intense day for those who have been in the gallery. I do not know which side they are on, but if you would, Mr. Speaker, advise our guests that, well, this is delivered to the group and, although there may be reason for joy, that we ask them to refrain from making demonstrations.

MR. SPEAKER: Will the guests in the gallery please refrain from any demonstrations, as under the house rules? Members, if you'll take your seats, we can get through this as fast as possible. Clerk will call, resume the calling ayes.

CLERK: Alexander, Bailey, Bosse, Burnam, Capelo, Chavez, Chisum, Coleman, Cook, Counts, Danburg, Davis of Dallas, Deshotel, Dukes, Dunnam, Dutton, Edwards, Ehrhardt, Eiland, Ellis, Farabee, Farrar, Flores, Gallego, Giddings, Glaze, Gray, Gutierrez, Hawley, Hinojosa, Hochberg, Hodge, Homer, Hopson, Jones of Lubbock, Jones of Dallas, Junell, King of Uvalde, Kitchen, Lewis of Tarrant, Longoria, Martinez Fischer, Maxey, McClendon, McReynolds, Menendez, Merritt, Moreno of Harris, Moreno of El Paso, Naishtat, Najera, Noriega, Oliveira, Olivo, Pickett, Puente, Ramsay, Rangel, Raymond, Reyna of Bexar, Ritter, Sadler, Salinas, Solis, Telford, Thompson, Tillery, Turner of

Coleman, Turner of Harris, Uher, Uresti, Villarreal, Walker, Wise, Wolens, Yarbrough.

MR. SPEAKER: Is there objection to dispensing with those voting no? Is there objection? Chair hears none, we'll dispense with those voting no. The verification reflects 76 ayes and 71 noes. **HB 150** is passed to engrossment. Chair recognizes Mr. Jones.

CRADDICK: Mr. Speaker?

MR. SPEAKER: Mr. Craddick.

CRADDICK: I'd like to move that all remarks today, in the whole process, be placed in the journal.

MR. SPEAKER: Is there objection? Chair hears none, so ordered. And we'll all bring flowers to the journal clerks. Chair recognizes Mr. Jones.

D. JONES: Mr. Speaker and members, most of you know that this front microphone is not a favorite spot of mine, and certainly it was a difficult spot today, but I want to personally express my thanks to each and every person, every member of this house, and to the audience upstairs who stayed so long to listen to us go through this process, which is the cornerstone of democracy, the voting process. Thanks so much for your friendship and your support.

MR. SPEAKER: Members, I want to join Mr. Jones in thanking everyone for the courtesy that you extended to everyone, most of the time, today. I think it was a very proper and deliberate discussion on all issues.